NORWALK FAIR HOUSING OFFICER'S

ANNUAL REPORT

FY 2010-2011

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NORWALK FAIR HOUSING OFFICER'S ANNUAL REPORT
Fiscal Year 2010-2011

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NORWALK FAIR HOUSING OFFICER'S ANNUAL REPORT
Fiscal Year 2010-2011

EXECUTIVE SUMMARY

Highlights of FY 2010-2011 include:

- From July 1, 2010 – June 30, 2011, requests for assistance remained near the record highs of the previous year, totaling 2,205. **(page 2)**
- Norwalk tenant issues, totaling 1,142; **(page 2)**
- Discrimination complaints were characterized as follows: Race 08; Creed/Religion 09; Color 13; National Origin 10; Ancestry 02; Sex/gender 02; Marital Status 03; Age 02; Source of Income 14; Familial Status 06; Disability 18; Sexual Orientation 00; **(page 2)**
- In the prior fiscal year, Norwalk landlord/realtor inquiries as described above, totaling 1,063; **(page 3)**
- More than 500 people were served through seminars and trainings provided by the FHO, up by nearly 20% from the prior year (which was up by 54% from the year prior thereto); **(page 3)**
- Quarterly newspaper columns in The Hour newspaper in Norwalk reached countless prople and included the topics of: "Residential Racial Patterns In Norwalk Over 30 Years" (a look at how little the city has changed in terms of racial make up of neighborhoods); "One Million Reasons to Care" (article about Norwalk's receipt of more than $1,000,000 in federal funds that have attached to them a duty to further Fair Housing in Norwalk, what that means and what we should be doing); "A Recent Fair Housing Settlement: Parking and People with Disabilities" (a discussion of the facts of a recent case and the processes used in considering and addressing a reasonable accommodation request by a person with a disability); and "Free*Free*Free" (an article describing cases and services provided by Norwalk's Fair Housing Office); **(page 3-4)**
- Discrimination inquiries were not substantially different in overall number, although the number of actual and investigated cases increased dramatically, to 16 cases **(cases described on pages 4-7)**;
- The Fair Housing Office now has a webpage on the city's website – www.norwalkct.org, which is accessed by clicking under "departments" and then "Fair Housing"; **(page 8)**
- Fair Housing issues identified and raised with the Norwalk Housing Authority include: efforts to increase Fair Housing trainings to residents as well as Section 8 participants; problems with removing adult family members (typically adult children) from leases, which delay by the NHA results in increased risk of eviction and unduly high rents for the families made to wait; "preferences" for admission which effectively result in people who have lost their jobs not being able to receive public housing; an inadequately written and implemented reasonable accommodation policy, which impacts the ability of those with disabilities, particularly senior citizens, from using and enjoying their home; a security deposit policy which appears to wrongfully retain some tenant's security deposits although there is no claim of damages; a truancy policy which has the

ultimate sanction as the mandatory eviction of a household where one child is truant, although this may be beyond the mandate of a housing authority and in making a family homeless, will likely result in increasing truancy not decreasing it, and is a Fair Housing concern as it impacts only families with children, not households without children; **(pages 8-12)**;

- There continues a need for affordable rental housing, with 57% of Norwalk's renters being "cost burdened" (up from 55% last year), meaning they spend more than thirty (30%) percent of their income on rent; **(pages 12-14)**
- Population and housing 2010 Census data for Norwalk; **(page 15)**
- "Out of Reach" (National Low Income Housing Coalition report); **(pages 15-17)**
- "Priced Out" data (Technical Assistance Collaborative, Inc. in conjunction with the Consortium for Citizens with Disabilities Housing Task Force): where can you live if you have a disability and are living on supplemental (social) security income for people with disabilities?; **(page 17)**
- City development projects and projected housing; **(page 17)**
- FHO and FHAC activities related to housing practices, patterns and their intersection with Fair Housing; **(page 18-20)**
- Connecting residents to legal services to pursue their Fair Housing cases in court (when not resolvable otherwise), free to residents and the City; **(page 20-21)**
- Fair Housing Office budget issues – demand is up substantially, economic resources need to reflect huge increase in demand for services; **(page 23-26)**
- Fair Housing Advisory Commission activities **(page 27-28)**
- Conclusion; **(page 28)**
- Attachments: four (4) newspaper columns regarding Fair Housing issues; **(pages 30 et seq.)**

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").[1] 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. She also advises landlords and realtors regarding housing law issues.

This report encompasses from July 1, 2010 through the end of the fiscal year, June 30, 2011. 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 2011-2012).

Economists say that the Great Recession ended some time ago, although the economy certainly doesn't feel or appear to be better. The substantial increased demand on Norwalk Fair Housing has continued, as people struggle economically and housing loss is a reality for many. A housing bubble and irresponsible, predatory lending were the cause of the beginning of this economic downturn. Job losses continue to compound housing problems.

Difficult economic times traditionally led to an increase in discrimination and we have seen that here as well as all across the country. These are highly challenging times for Norwalk Fair Housing as demand remains extraordinarily high, economic resources are scarce and there is no staff beyond the FHO to respond to the need.

A. FHO's ANNUAL REPORT FOR FY 2009-2010 (prior year report)

In the previous fiscal year, the FHO's Annual Report (FY2009-2010) was submitted to the Fair Housing Advisory Commission ("FHAC") for its acceptance on

[1] 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.

December 30, 2010. The Commission accepted the report in February, 2011. The FHO then distributed it to elected officials and concerned commissions, as mandated by the Consent Decree.

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, 2010 – June 30, 2011, general requests for assistance remained nearly constant from the previous year's record, at 2,205.

In FY 2010-2011, Norwalk tenant inquiries were reported as follows:

Discrimination	88
Security Deposits	436
Eviction	426
Lack of Utilities/Repairs	152
Other	40
Total	1,142

Norwalk general tenant issues as described above, totaling 1,142, were down slightly from the prior year, yet actual housing discrimination cases rose substantially.

Of particular interest is the breakdown in the types of discrimination issues raised by tenants.

Race	08
Creed/Religion	09
Color	13
National Origin	10
Ancestry	02
Sex/gender	02
Marital Status	03
Age	03
Source of Income	14
Familial Status[2]	06
Disability	18
Sexual Orientation	00

Compared to the prior year, there were increased complaints of discrimination based upon color, religion, source of income and disability. The FHO investigates all claims. Complaints are then filed when the investigation yields evidence to support the

[2] Familial status includes families with children, women who are pregnant and people seeking custody of children.

complaint and attempts at resolution are not fruitful. Most complaints made to the FHO during FY 2010-2011 were resolved by the FHO without the filing of a formal complaint to an adjudicative body (such as court or the state's administrative agency, the CHRO). By working with Norwalk tenants, landlords, property managers, realtors, condominium associations and more, to resolve matters short of court, substantial time and money are saved, with the City, as well as the parties involved, thereby avoiding costly hearings and litigation.

Norwalk landlord/realtor inquiries were tabulated using the same criteria as that for tenant inquiries, with the following results:

Discrimination	73
Security Deposits	405
Eviction	416
Lack of Utilities/Repairs	124
Other (including foreclosure)	45
Total	1,063

Landlord/realtor inquiries as described above, totaling 1,063, were nearly identical in number to the prior year's of 1065.

More than 500 people were served through seminars and trainings provided by the FHO including a statewide conference on Fair Housing issues, section 8 training sessions at the Norwalk Housing Authority, the Fair Housing Advisory Commission luncheon event, several presentations to the Family and Children's Agency in Norwalk and to the NEON Head Start Parent Program, one program for a group at Bethel AME Church and a seminar conducted jointly with the Norwalk Housing Authority, Fair Rent and Human Relations departments.

In FY 2008-2009, seminars were provided for 228 people, compared to the prior year's 95, an increase of 56%. In FY 2009-2010, this demand for program services increased yet again, nearly fifty-four (54%) percent. The FY 2010-2011 presentation level, of more than 500 people, represents a doubling of the number of people served through programs/seminars from just two (2) years ago. Among the handouts provided at these seminars is the Norwalk Fair Housing brochure. Due to the increased demand, there are none left in FY 2011-2012. More need to be printed, although financial resources for doing so are not presently available.

Untold numbers of Norwalk residents were reached through the Fair Housing Officer's quarterly column in The Norwalk Hour newspaper. During fiscal year 2010-2011, these columns included:

- ""Residential Racial Patterns In Norwalk Over 30 Years" (a look at how little the city has changed in terms of the racial make up of neighborhoods);
- "One Million Reasons to Care" (article regarding Norwalk's receipt of more than $1,000,000 in federal funds which have attached to them a duty to further Fair Housing in Norwalk, and what that means/what we should be doing);

- "A Recent Fair Housing Settlement: Parking and People with Disabilities" (a discussion of the facts of a recent case and the processes to be used in considering and addressing a reasonable accommodation request by a person with a disability);
- "*Free*Free*Free" (examples of people served and services that are provided by Norwalk's Fair Housing Office).

In fiscal year 2009-2010, only two cases were referred to outside pro bono attorneys for the filing of legal claims. Those cases then moved through the judicial process apart from the City, costing the City nothing.

By contrast, in FY 2010-2011, 16 discrimination cases were prepared for referral to outside pro bono attorneys. Those that were filed were either filed with the state's CHRO or state or federal courts. Each case requires the FHO to make a substantial time investment to prepare for adjudication; this has been an unprecedented year in terms of the sheer number of full-blown housing discrimination cases handled by the FHO. A summary of the cases prepared for filing follows. Each description begins with the potential bases for the discrimination claim:

Case #1

Familial status; race/color: complainant is single Black grandmother who recently obtained legal custody of grandchildren. Landlord refusing to allow grandchildren to be part of household, despite custody order. Case settled by Fair Housing Officer. Case took 3 months to resolve.

Case #2

Domestic Violence; gender; marital status; race/color: Tenant is a separated (not yet divorced) Latina mother. Landlord began eviction of tenant (and her children) even though tenant is a victim of domestic violence, as shown on police reports. Basis of eviction was for actions related to domestic violence, contrary to law known as "VAWA" (Violence Against Women Act). Fair Housing Officer, with assistance of Connecticut Fair Housing Center, persuaded landlord to revoke its eviction proceedings and cease from pursuing eviction proceedings based upon domestic violence (tenant separated from abuser, with order of protection against him). Case took 4 months to resolve.

Case #3

Disability: Man with a physical disability, who uses wheelchair, had a handicap parking spot with wheelchair access aisles for years at his condominium. The condo association took the spot away to give to another resident, also with a handicap, who needed an assigned spot but not access aisles and did not use a wheelchair. FHO brokered a settlement and parties signed a settlement agreement with the parking spot with access aisles returned to the man who uses a wheelchair and the condo association agreed to do major repairs to the parking areas, curbs, ramps and access aisles. The lady needing an assigned spot (without access aisles) was assigned a spot closer to her unit. Case took 177 days (just short of 6 months) to resolve and would have been filed at the CHRO on the last day to file it (180 days) if not otherwise resolved by the FHO.

Case #4

National origin; race/color; religion; familial status: Husband and wife renting studio apartment. Wife becomes pregnant. She is from northern Africa and he is originally Palestinian, now of Brazilian nationality. His name would be presumed by most to be "Arab". They are Muslim and she wears attire that indicates she is Muslim. Skin color is brown. Living in studio apartment. Wanted to move, within same apartment complex, to a 2 bedroom apartment (pay more rent, sign a longer lease, willing to do repainting and the like to make the move happen) and were initially refused, without reason. Various property managers refused to allow them to apply to make the move within the same complex. Fair Housing Officer, after speaking to 2 or 3 people in office, asked to speak to their attorney. Prepared case based upon familial status, national origin, religion, race and color. Supervisor then called to say property managers would allow the couple to lease/move to a 2 bedroom apartment. Case took 6 weeks to resolve.

Case #5

Age; race/color: Possible pattern and practice case. Large Norwalk landlord routinely refusing to return security deposits but not for reasons allowed by law. Tenants all lower income and most are within protected classifications (minority and/or disabled and/or elderly). Fair Housing Officer tried to resolve case of elderly African American woman who had been tenant for more than thirty (30) years. Unable to resolve. Referred case to Connecticut Legal Services to pursue. Case settled by Conn. Legal Services a few months later, after filing a legal action.

Case #6

Race/Color; familial status; disability: Husband and wife. Both are African American/Black. 3 kids, one with severe disabilities. Fair Housing Officer worked on resolution of issues related to child's disability with landlord for more than 3 months, to no avail. Housing discrimination complaint against landlord filed with Connecticut Commission on Human Rights and Opportunities ("CHRO") in July, 2011. Case pending.

Case #7

Disability: Tenant is White woman with a traumatic brain injury/disability. Landlord taking actions to either get tenant to move or evict her. Tenant believes it's because she has a disability. In the course of her investigation, landlord's managers tell Fair Housing Officer things to substantiate tenant's belief that actions being taken were due to the tenant's disability. Fair Housing Officer prepares case for filing and refers to pro bono attorneys who work exclusively with people with mental and/or emotional disabilities. Case partially resolved just prior to referral of the case for filing. Tenant deciding whether to pursue other legal remedies. Matter on-going since May, 2011.

Case #8

Race/color; disability. Complainants are elderly Black couple, he with multiple disabilities (uses a wheelchair, blind, kidneys have failed). Need an assigned/reserved handicap parking space. Housing provider initially refuses claiming no ability to grant handicap parking spaces. Fair Housing Officer gets involved and housing provider grants the necessary handicap parking spot. Case took 2-3 months to resolve.

Case #9

Age; disability: Tenant has disability making it increasingly difficult to climb the stairs to her second floor apartment. She asked the landlord for a transfer to a ground floor apartment. The landlord initially agreed to effectuate the transfer to the next available ground floor unit, due to the tenant's disability. Landlord subsequently alleged tenant violated lease by violating a rule. Landlord then refused to transfer the tenant to a ground floor unit, despite tenant's need for the transfer due to her disability. Fair Housing Officer worked on case for approximately 3 months and was unable to resolve. Case referred to Connecticut Fair Housing Center.

Case #10

Retaliation: Same landlord took actions against daughter of Complainant in Case #9, above. Possible Fair Housing retaliation claim. Landlord dropped case against daughter after a few months of FHO trying to resolve it, seemingly for lack of evidence.

Case #11

Race/color; disability; familial status: A prior Fair Housing case was brought against Norwalk landlord, settled in December, 2008. Landlord agreed to move tenant (Latina and her children) to another apartment (due to disability) and to provide assigned handicap parking spot to tenant near the new apartment. Fair Housing Officer worked on original case and referred it to Connecticut Fair Housing Center who represented tenant. Assigned handicap parking spot never provided to the tenant after she and her family were moved to new apartment (owned by the same landlord). Fair Housing Officer worked on case for approximately 1 year and tenant finally was provided with assigned handicap parking spot near her front door.

Case #12

Disability: White woman, owner of a cooperative apartment, provided assigned parking spot due to disability (cancer) and inability to walk any distance due to disability. Other disputes with the cooperative board resulted in it revoking her assigned parking spot, and then when she complained, the Board advised 12 other owners that their spots were being revoked from them as well (that decision to revoke all handicap parking spots was reversed shortly after it was made). Fair Housing Officer worked at resolving all 13 cases with attorney for cooperative association. When settlement of 1 remaining case (the initial case) was not achieved, FHO referred case to Connecticut Fair Housing Center. Case was filed at the CHRO. Case settled during the summer of 2011. Fair Housing Officer worked on it for 4 months prior to referral. Case was then pending for about 1 year prior to settlement. Part of settlement: FHO to provide Fair Housing training to cooperative board of directors; tenant received $25,000 in damages, given assigned handicap parking space she needs; association dropped claims against the person with a disability

Case #13

Marital Status; gender; disability; familial status: Tenant single White woman with infant. Tenant also has disability. Tenant receives Section 8 rental assistance. . Landlord intimidating tenant, trying to force her to move to a bigger apartment in the complex so landlord can get more money from Section 8. Tenant didn't want to move to bigger apartment. Fair Housing Officer worked with tenant and her social workers and then

negotiated with landlord. Landlord agreed to stop harassing tenant. Case took 3 months to resolve.

Case #14
Age; disability: Tenant is single White elderly man. Has a disability (one leg partially amputated). Had been living in an apartment with 5 stairs to enter. As he gets older, less able to manage stairs. Fell during winter of 2010 and decided he needed to move due to disability, to apartment without stairs. Landlord refused to permit move, regardless of notice or disability, until lease end (6 months later, in middle of the winter). Fair Housing Officer worked with tenant and landlord over a period of 3 months. Case resolved when landlord agreed that tenant had given plenty of notice and due to disability, needed to move as soon as possible. Landlord agreed to release tenant from remainder of lease, allowing him to move, without charging any kind of penalty fee. Case took approximately 3 months to resolve.

Case #15
Disability: Man with severe allergy (rising to level of disability, as triggering results in life-threatening reaction and hospitalization) rented apartment in building he was told would be "pet free". Management then allowed dogs, some of which may be service animals, into the building. Tenant requested being allowed to move out, since presence of animals in the building triggered his severe allergies. Landlord initially refused, unless substantial "early move" fee paid. FHO prepared reasonable accommodation request on behalf of the man with the severe allergies, supported by doctor's letter. Matter pending.

Case #16
Source of income; gender; race/color: African-American single mother with Section 8 housing subsidy, had flood in apartment. Maintenance man alleged to have made racially disparaging and sexually harassing comments in course of inspecting and repairing damages. FHO investigated. Case resolved prior to filing complaint.

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 specific purposes which are distributed in various public locations.

In addition, the FHO created and distributes handouts summarizing the roles and functions of the Fair Housing Advisory Commission (the "FHAC") and the FHO and on topics such as eviction, source of income, entry, repairs, and security deposits.

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 issues as well as Fair Housing laws. During FY 2010-2011, the FHO participated in approximately 10 such seminars.

Over the course of the early to mid 2000s, the FHO and FHAC engaged in an active and multifaceted anti-predatory lending program that was part educational and part remedial.

For the last three fiscal years, the lending issues have primarily pertained to foreclosure and foreclosure-related scams, some foreclosures due to predatory mortgage loans and some because of job loss. The FHO continues to refer such cases to reputable sources for assistance, including state offices, as well as the judicial department's foreclosure mediation program and HUD-approved foreclosure prevention resources. This year, the resources have included seminars provided by the Connecticut Fair Housing Center which began in February, 2011 and are running into mid 2012 (spanning 3 fiscal years). These seminars are taking place in Norwalk, Stamford and Bridgeport, thanks to the coordinated effort and agreement by the Mayors of those three (3) cities.

The foreclosure crisis continues in FY 2010-2011 and beyond, still fueled by job losses.

Unfortunately, predatory loans first taken out in the mid-2000s are still out there, with interest rates resetting in 2011. This trouble is not over, although hopefully, the peak has passed. In addition, the predators have moved to foreclosure rescue scams, again, attempting to cheat people out of whatever equity they might have left in their homes. The need to educate homeowners and combat such schemes continues.

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. The media also frequently seeks comment on housing related issues. During FY 2010-2011, the FHO continued writing a quarterly column in The Hour newspaper, as discussed herein. Copies of these columns are in the appendix to this report. The column continues in FY 2011-2012.

d. Advertising. The Fair Housing Officer advertises by way of the aforementioned pamphlets and flyers, educational efforts, and newspaper column. In 2011, the Fair Housing Office added a webpage to the City of Norwalk's website found at www.norwalkct.org. Click under "departments", then "Fair Housing" and the webpage is reached. No funds are available commercial advertising.

B. Planning and Analysis of Housing Patterns and Practices.

1. Housing Authority Policies and Practices:

General: After the publication of the FHO's annual report in February, 2011 (for FY 2009-2010), the Norwalk Housing Authority expressed concerns with the report via comments made in a newspaper article (The Norwalk Hour) dated February 20, 2011. The NHA further indicated that the FHAC and FHO would be invited to meet to discuss the policy issues raised with the NHA Board of Commissioners. The FHAC prepared for that meeting, by memorandum to the NHA Board of Commissioners dated March 25, 2011, proposing seven (7) policies/issues of concern as well as possible solutions and

inviting discussion of same. A meeting was set for April 27, 2011. That meeting was cancelled by the NHA. Dates were never offered to reschedule the meeting.

Fair Housing Trainings: 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. Thereafter, the FHO was invited to either none or one per year. Last year, the FHO noted this decrease in her annual report. Over the course of FY 2009-2010, the NHA invited the FHO to participate in Section 8 trainings a few times. The FHO's records indicate that in FY 2010-2011, the FHO made two presentations to Section 8 participants. In early FY 2011-2012, the NHA invited the FHO to do two presentations: one during a time when the FHO was on summer vacation and the other during a religious holiday when she was unavailable.

In last year's annual report, the FHO noted that she has not been invited to participate in any NHA resident training in quite a few years. In FY 2011-2012, the NHA stated it does not have group meetings for new residents, but will work with the FHO to schedule resident meetings for Fair Housing trainings during the course of the year.

As both Section 8 recipients and public housing residents face Fair Housing issues, the FHO looks forward to scheduling trainings for public housing residents so that they too are made aware of their Fair Housing rights.

Removal of adult family members from lease after moving: As reported in prior years, there was a significant problem related to the NHA's policy for removing adults from leases, when an adult left a NHA property household or a household in the Section 8 program. Usually, these are young adult children who leave and then fail to provide all the information (typically, 3 forms of proof) the NHA demands regarding their new residence.

If the person who has moved refuses to provide such information (or is out of contact with her family, or doesn't have such information, as he may be living informally, with roommates who have such records in their names), then the NHA would not remove him/her from the lease, the rent would not be recalculated, and if that person gets in trouble with the law, or earns more money, the remaining family could be evicted and/or face claims of fraud. This was occurring, despite the fact that the NHA is mandated by HUD to recalculate rent and unit size whenever household membership changes.

The FHO and FHAC proposed a solution to the NHA, after seeking information from other local housing authorities (Fairfield, Greenwich and New Haven) as to what they do in similar situations. The proposed solution, used by these other housing authorities, is that in the event a former household member does not cooperate and provide proof of his/her new address, then the remaining head of household can provide the NHA with a sworn affidavit as to the fact that the household member no longer resides in the household. Although initially rejected by the NHA (saying the policy would not work), the FHAC and FHO asked that the NHA reconsider, since it does work for other housing authorities. While the FHAC and FHO did not receive a response to that

proposal, there is anecdotal evidence that the NHA may be using this new approach, at least sometimes. Consistent use of this policy would likely alleviate this significant problem. An inconsistent application of this policy will likely result in an inquiry as to why the policy is applied in some cases and not others.

Clearly, the policy should be that in the event an adult household member moves out of the household and does not cooperate in providing the remaining family members and the NHA with the proof required, that the NHA "will" permit the head of household to use an affidavit to swear to the absence of that person from the household. This will then enable the prompt recalculation of rent and eliminate the risk that people will face eviction unnecessarily. Doing this promptly and without undue burden saves both the tenant and Norwalk time and money.

Preferences for Admission: As permitted by HUD, the NHA has "preferences" for admission to public housing. In Norwalk, those preferences can be fairly summarized to prefer people who work in Norwalk (as well as the disabled and elderly).

Last year, the FHO noted that this policy, which prefers working people, effectively excludes from public housing people who have lost jobs of late. Given that public housing was conceived for just such circumstances – being down on your luck, perhaps a recent job loss – it is disturbing that the unemployed would be, effectively, excluded especially during a time when unemployment is running very high.

Without public housing as a housing resource, the newly unemployed who have limited economic resources and who nowadays are likely to experience periods of prolonged unemployment, are more likely to be living in their cars, in overcrowded situations or on the streets because of this Norwalk Housing Authority preference. This is an issue that remains to be addressed.

Reasonable Accommodation Policy: The NHA stated, in FY 2007-2008, that it implemented a new reasonable accommodation policy and procedure. In FY 2009- 2010, in its annual plan, the NHA proffered another new proposed reasonable accommodation policy. In many ways, it was worse than its predecessor policy, and less in compliance with legal requirements. The NHA agreed that it was deficient and it was withdrawn. In the spring of 2011, the same policy was proposed and the FHO was asked for her comments. She commented that it was identical to the policy reviewed the prior year and therefore, it was still deficient in numerous ways. At this point, she offered to help write a reasonable accommodation policy. No response was received as to that offer. If there is not a proper reasonable accommodation policy in place at the NHA, it is unlikely that reasonable accommodation requests are being dealt with consistently and properly, a long-standing problem at the NHA.

In the spring of 2011, the FHAC offered to the NHA that the FHO could participate in revising the policy and training NHA staff to implement it properly. The NHA did not respond.

The FHO will continue to work to have the NHA adopt a reasonable accommodation policy that reflects the legal requirements and, ideally, best practices, and then will continue to monitor its implementation. This policy is critical in that it sets forth the mechanism for a person with a disability to request a change in practice, policy or procedure which that person needs, because of his/her disability, in order to make full use and enjoyment of his/her home. Having and properly implementing an appropriate reasonable accommodation policy is required by HUD and by federal and state Fair Housing laws. This issue has been pending for several years now. Not having and properly implementing an appropriate reasonable accommodation policy has been a significant impediment to Fair Housing in Norwalk.

NHA's Security Deposit Policy: In early FY 2010-2011, another problematic policy came to light. It pertains to the return of a public housing tenant's security deposit. The NHA requires tenants to give thirty (30) days notice of intent to move and that such notice be given to a particular person or department at the NHA, even if another person or department at NHA has actual notice of and in fact has approved the move (this happens when a tenant is moving from public housing into a private apartment using Section 8 – in that case, the NHA has approved the move so obviously it has knowledge).

NHA's system for the Section 8 program is set up such that apartments are often approved mid-month, and a tenant is told to move the first of the coming month – in about 2 weeks. When the tenant does as told, the NHA has then claimed that the tenant did not give the requisite 30 days notice. One case in which this arose was litigated and then settled during FY 2009-2010. The FHO has not been informed of a change in this policy and therefore, believes it continues.

NHA Truancy Policy: Another NHA policy that may run afoul of Fair Housing laws (as well as other laws) is the NHA truancy policy for students in grades 1-8. The policy is a progressive disciplinary policy such that unexcused absences from school "will" have, as the ultimate consequence, the eviction of an entire family from public housing.

While everyone is in favor of education and the remedial and enrichment opportunities provided for students (including at the NHA's learning centers), the FHO has identified Fair Housing issues (as well as practical concerns) associated with evicting families due to children's school attendance.

Some of those questions or concerns include: whether the NHA has the legal authority to condition tenancy upon school attendance or performance; the consequence to the rest of the children in the family if the family is evicted due to one child's truancy (since homelessness negatively impacts education); and if, as the NHA says, no family will actually be evicted under the proposed policy, then the appropriateness of threatening people when there is a stated intent not to actually carry out the threat.

From a Fair Housing perspective, this is a policy which, by definition, only applies to families with children. Therefore, families with children face potential eviction

from housing not faced by households without children. This is a likely housing discrimination issue.

Offering educational opportunities is a wonderful thing: using threats of eviction to require families to participate in opportunities is another. From a Fair Housing perspective, it is a policy that subjects only families with children to eviction related to school attendance. From an efficacy point of view, since homeless families are the least likely to have kids attending school on a consistent basis, it's also a policy whose ultimate action is contrary to the stated goal.

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.

After many years of housing prices only heading higher, in FY 2007-2008, housing sales prices fell.

Connecticut Multiple Listing Service (CMLS) reported that in the first nine (9) calendar months of 2008, 2009, 2010 and 2011, the average home and condominium sales prices were:

Year	Average Single Family	Average Condominium
2008 (1st 3 quarters)	$690,113	$329,653
2009 (1st 3 quarters)	$526,985	$300,402
2010 (1st 3 quarters)	$564,669	$337,205
2011 (1st 3 quarters)	$611,398	$326,097

Similarly, the volume of housing sales decreased dramatically, as credit markets got tighter in 2008. Single family home sales have rebounded and even surpassed 2008 levels, while condominium sales remain depressed comparatively:

January to September, 2008:	326 single family homes	237 condominiums
January to September, 2009:	294 single family homes	156 condominiums
January to September, 2010:	389 single family homes	165 condominiums
January to September, 2011:	339 single family homes	148 condominiums

The long-standing shortage of affordable housing in Norwalk continues. The National Low Income Housing Coalition's "Out of Reach" report (discussed later in this report) tells us that in Norwalk, nearly 50% of owners and more than 57% of renters are "cost burdened", meaning they are paying more than 30% of their income on housing. Thus, there is clearly a shortage of affordable units. The number of cost burdened households has been rising in Norwalk, another sign that we do not have enough affordable housing.

An expensive housing market is a significant economic barrier to affordable housing and is difficult to overcome. NRA's Homeownership Assistance Program, along with state and nonprofit programs, assist 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 which were used primarily during FY 2009-2010 to assist twenty-one (21) eligible first time homebuyers with down payment and/or closing cost assistance. $550,000 more was received from DECD for the same purpose. It is reported that $350,000 of that was used during FY 2010-2011.

NRA also rehabilitates residential units owned and/or rented by low-moderate income persons, which helps guard against a diminution in affordable properties.

The stock of affordable housing remains significantly lower than the demand, and without the infusion of a substantial number of affordable units, that gap has continued to widen.

As of FY 2008-2009, there were 3,840 affordable units in Norwalk or 11.38% of the housing stock was "affordable". In 2009-2010, there was a net loss of 1 unit (lost 16, gained 15), resulting in 3,839 affordable units per Norwalk's own count, which would drop the percentage slightly to 11.37%. In 2011, it is estimated by Norwalk that we now have 3,861 affordable units, a slight increase in the number of units, but that increase did not keep pace with the increase in the total number of housing units and so we anticipated that the percentage of affordable units would surely have dropped.

We knew the total number of units, counted as 33,753 in 2000, had grown, but the new count would not be provided until the 2010 Census data was crunched.

We wait no more. Per the 2010 census data, we know that the total number of housing units in Norwalk in 2010 was 35,415, an increase of 1,662 housing units. The number of affordable units was estimated in 2011 to be 3,861.

If 3,861 of Norwalk's 35,415 housing units are affordable, the result is that 10.9% of Norwalk's housing units is now counted as "affordable", down from the prior estimate of 11.37%, a significant drop at a time when more, not less, affordable housing is needed.

Norwalk, therefore, remains above the ten (10%) percent floor set by the state affordable housing law, enabling Norwalk to maintain substantial control over local development through local zoning.

But the question is, are we aiming at the floor, the state minimum in order to retain significant control over development, or are we looking to meet the need of Norwalkers for more affordable housing? These two concepts are not the same and should not be confused.

The most obvious "barrier" to affordable housing (and, in fact, to all housing) can be a literal barrier.

According to 2010 American Community Survey (Census Bureau) data, 10.05% of residents of Norwalk (age 5 or older) have a disability. This represents more than 8,210 people. The population with the highest incidence of disability is seniors. In Norwalk, among people age 65 and older, 28.3% have some form of disability, which translates to approximately 3,671 people. Interestingly, the percentage of seniors with disabilities has gone down from the 2007 American Community Survey data percentage of 34.5%, but the actual number of Norwalk seniors with disabilities has risen from 3,241 to 3,671.

For people with disabilities, housing constructed without thought to the ability 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 mobility 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".

Beginning in FY 2004-2005 and continuing to date (albeit less so now, when development is slowed), the FHO has been working to address this issue in Norwalk.

The development and architectural community has been very responsive. During FY 2005-2006, the FHAC 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. Another design and construction seminar was presented by the FHAC in 2008, this time drawing more architects and developers. When development starts booming again, the FHO will likely reach out to the architectural and development community again and draw attention to the Fair Housing Act's Design and Construction requirements.

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 affordable housing initiatives of the NRA and North Walke Housing Corporation (North Walke).

One such initiative, North Walke's Homeownership Assistance Program (Homeownership Program), was capitalized in the prior fiscal 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 assisted twenty-one (21) first time homebuyers by the close of FY 2009-2010. It was re-capitalized in the

amount of $550,000 for FY 2010-2011 and during FY 2010-2011, assisted seven (7) first time homebuyers, for a total of $350,000.

2000 census data indicated 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.

2010 Census data shows how Norwalk has changed. Some noteworthy census details are as follows:

Population (Norwalk), 2010	85,603
Population, percent change, 2000 to 2010	3.2%
Population, 2000	82,951
Persons under 5 years, percent, 2010	6.9%
Persons under 18 years, percent, 2010	22.0%
Persons 65 years and over, percent, 2010	12.8%
Female persons, percent, 2010	51.0%
White persons, percent, 2010	68.7%
Black persons, percent, 2010	14.2%
American Indian and Alaska Native persons, percent, 2010	0.4%
Asian persons, percent, 2010	4.8%
Native Hawaiian and Other Pacific Islander, percent, 2010	0.1%
Persons reporting two or more races, percent, 2010	2.8%
Persons of Hispanic or Latino origin, percent, 2010	24.3%
White persons not Hispanic, percent, 2010	55.7%
Living in same house 1 year & over, 2005-2009	87.3%
Housing units, 2010	35,415
Homeownership rate, 2005-2009	66.8%
Housing units in multi-unit structures, percent, 2005-2009	44.8%
Median value of owner-occupied housing units, 2005-2009	$485,000
Households, 2005-2009	33,057
Persons per household, 2005-2009	2.50
Per capita money income in past 12 months (2009 dollars) 2005-2009	$41,419
Median household income 2005-2009	$75,695
People of all ages in poverty - percent, 2005-2009	8.2%

The National Low Income Housing Coalition 2011 "Out of Reach" study again indicates that the affordable housing problem has continued to worsen. Norwalk, along with all of Connecticut, has an insufficient supply of affordable housing to meet demand. 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 2011 median income is $126,600 for a family of four. Stamford-Norwalk's housing wage (the hourly amount needed for a two-bedroom apartment to be affordable with "affordable" meaning no more than 30% of income) was $34.83, up only slightly from last year ($34.62) again, one of the highest in the nation.

Yet again, Out of Reach 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 2011, a family needed an annual income of $57,960 (2010:$57,600; 2009:$54,480; 2008:$52,560; 2006:$50,960 2005:$48,080). Similarly, for a two-bedroom in Stamford/Norwalk to be affordable in 2011, a family needs an annual income of $72,440 (2010:$72,000; 2009: $68,120; 2008: $65,680; 2006: $63,680; 2005: $60,080).

Translated into an hourly wage, in 2006, a worker needed to earn $24.50 per hour, and in 2011, $34.83 per hour, to afford a two-bedroom apartment. The current minimum wage in Connecticut is $8.25 per hour, such that the hourly wage needed to afford a two bedroom apartment in Norwalk is more than 4 times the minimum wage. Put another way, the minimum wage worker would have to work 169 hours per week, for 52 weeks of the year, to afford a two-bedroom apartment. Since there are typically only 40 hours per week, this really means that to afford a two bedroom apartment in Norwalk, there needs to be more than 4 minimum wage earners per household.

The necessary $72,440 income to afford a two-bedroom apartment in Norwalk is substantially higher than the starting salaries of Norwalk's teachers, fire and police personnel, many office workers, retail employees and hospital workers.[3] The situation gets worse year after year. These workers, who are essential to a thriving business community and city, must either pay more than the advisable thirty (30%) percent of their income to live in Norwalk, or must live elsewhere.

In fact, in Norwalk, a staggering 57% of renters pay more than thirty (30%) percent of their income on rent. These facts graphically illustrate that it is not an exaggeration to say that the crisis in affordable housing in our region continues and that Norwalk desperately needs additional affordable rental housing.

Out of Reach reports fair market rents in our area as follows, for 2011: One bedroom, $1449; two bedroom, $1811; three bedroom, $2360 and four bedroom, $2851. Despite an economy, particularly housing, in crisis since 2008, the costs to rent have been increasing in our area. While housing prices and the ownership market have suffered from the predatory lending and now the foreclosure crisis (as well as stringent credit and downpayment requirements for buying) and a more recent unemployment crisis, the rental market has actually gotten more expensive and tighter, as people don't make the

[3] 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, 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.

usual transition from renting to homeownership, or, after losing their homes, enter the rental market. In short, as things have gotten tougher for so many residents, the rental market expense has only gone up.

One group of people who always face significant problems in the housing market is people with disabilities. Their "normal" housing problems are even worse in this economy.

A report called "Priced Out In 2010", by TAC (Technical Assistance Collaborative, Inc.) and the Consortium for Citizens with Disabilities (CCD) Housing Task Force presents data regarding the severe housing affordability problems of people with disabilities. People whose income consists of the federal Supplemental Security Income (SSI) payments (this is for people with significant and long-term disabilities) can't even afford the most modest of housing.

For example, Priced Out reports that for people in Connecticut, the SSI monthly income is $842 per month. This is equal to 16.7% of state median income, and 11.5% of the Stamford-Norwalk area median income. To rent an apartment in Norwalk, a person with a disability who receives SSI as their source of income, would have to pay 172% of their income to afford a one-bedroom apartment. In other words, they can't possibly live in Norwalk without some kind of rental subsidy (like Section 8, for example). Even then, an annual income of just over $10,000 means that these members of our community have significant problems paying for food, clothing, medications and other essentials, even if (best case scenario) they receive a 100% subsidy for their housing, which most do not.

The problem is not just in Connecticut: the "best" case scenario, nationwide, according to Priced Out, is for a person to live in Arkansas where a 1 bedroom housing unit would "only" require 76% of their SSI income. In Connecticut, Priced Out reports that it would take the following percentages of this SSI payment to live in these areas: Bridgeport – 129%; Colchester/Lebanon – 102%; Danbury – 150%; Hartford/West Hartford/East Hartford – 108%; Litchfield County – 102%; Milford/Ansonia/Seymour – 126%; New Haven/Meriden – 123%; Norwich/New London – 103%; Southern Middlesex County – 107%.

There is no room in Connecticut for people with significant disabilities, who rely on SSI as their source of income, except when rental units are heavily subsidized.

3. b. <u>Current City Development Projects.</u>

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. Currently, three of the six development parcels have been completed, including 207 residential units, of which 20 are deed restricted as affordable housing (14 rental units and 6 ownership condominiums). Although development of the remaining three parcels has been delayed due to the economic downturn, Phase I of this project, including 232 residential units and 25,000 square feet of commercial space, was approved in 2011. The redeveloper, 95/7 Ventures LLC, has agreed to provide 15% of the total number of units as affordable housing (10% affordable at incomes at or below

80% of State Median Income and 5% affordable at incomes at or below 100% of Area Median Income). Construction of Phase I is anticipated to commence in 2012.

Area (Stamford-Norwalk) median income in 2011 is reported at $101,300 for a family of two and $126,600, for a family of four. Eighty (80%) percent of area median income would be an income of $81,040 for a family of two, and $101,280 for a family of four.

In the West Avenue area, the Waypointe Development housing plan is now for 325 residential units (rental apartments), with 10% affordable using the affordability standard as 80% of area median income.

The housing plan for "Wall Street Place" includes a total of 380 residential units. The Land Disposition Agreement (2007) has three (3) phases of construction, each containing some amount of housing. Each phase also includes an affordable housing requirement which sets the minimum number of affordable units at the greater of 20% of the total, or the number of units required under Norwalk's zoning regulations. In FY 2010-2011 and continuing into FY 2011-2012, the developer is working on obtaining financing for the project.

A "Transit Oriented Development" project, near the South Norwalk Train Station, has been the subject of numerous meetings over the course of FY 2010-2011. This is still very early in the planning process.

A "Choice Neighborhood" planning grant was received by the city (from HUD) for redevelopment of the area surrounding and including Washington Village. Various groups have been organized consisting of community leaders, and a separate resident group has been established. One of the FHO's first recommendations to the Norwalk Housing Authority, which is spearheading this effort, made at a meeting of the housing subcommittee in early FY 2011-2012, is that the resident group should not be separate from the other groups. Rather, residents should participate with members of the other groups, so that resident views inform all committees.

4. 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"). For the last several years the FHO has been Vice Chairperson. During the summer of 2011, she became Acting Chair, and was elected to the Chairperson position in the fall of 2011.

In early FY 2010-2011 Norwalk's annual FHAC event took place, "Fair Housing: A Community Conversation", focusing on how a community is supposed to self-analyze (per HUD's requirement for an Analysis of Impediments to Fair Housing Choice, as a part of the CDBG grant program), identify Fair Housing concerns, and plan to address identified concerns. The "how" part was based on a presentation by Erin Kemple, Executive Director of the Connecticut Fair Housing Center. The "what", meaning issues in Norwalk, were touched upon during a discussion after the presentation.

The FHO continued to spend substantial time reviewing and commenting upon Norwalk Housing Authority's various plans for conformance with Fair Housing laws and concepts, including integration, affirmatively furthering Fair Housing, disabilities, overcrowding and under-housing (when families report changes in composition, but transfers then trail behind the need, by years in many instances), problems with removing adults from leases, the local preference system, public notice requirements, improper reasonable accommodation request policy and forms, and more.

The FHO and FHAC also spent significant time during the FY 2010-2011 assisting in drafting as well as commenting upon the City's Analysis of Impediments to Fair Housing Choice ("AI"), a document required by HUD as a part of the CDBG program. Norwalk Redevelopment Agency administers that program and as such, bears the reporting responsibility of it.

In prior years, not only did the FHO and FHAC contribute to the writing of the document (identifying Fair Housing concerns), but they also were the largest, by far, contributor of solutions to those identified impediments. There was a chart, called an "Action Plan" (part of and appended to prior AI reports) which chart would list each impediment that had been identified in the report, the action or solution to the impediment, and who would do be responsible for addressing the impediment in the agreed-upon fashion.

For example, if an impediment to Fair Housing choice was found to be "landlords are not sufficiently knowledgeable about Fair Housing laws", then the remedy might be listed as "education sessions for landlords" and the who/what might be listed as "Fair Housing Officer and Fair Housing Advisory Commission will present three (3) seminars for landlords regarding Fair Housing laws". Norwalk's Action Plans traditionally included actions that would be taken by Norwalk's Fair Housing Office, Human Relations and Fair Rent Department, Building Department, Planning and Zoning and Health Department, to name a few. In prior years, those potential contributors met and discussed the identified impediments and how each might assist in addressing them. City departments all offered to do their part.

Despite having this effective and collaborative process in place, Redevelopment opted not to produce an Action Plan for this past year's AI. Instead, according to a letter NRA's executive director sent to a HUD representative in Hartford, dated October 3, 2011, NRA opted to create a Fair Housing Committee of its own, separate and apart from the FHAC and FHO, to address the impediments to Fair Housing identified in the City of Norwalk's AI.

Neither meeting agendas of Redevelopment's Fair Housing Committee nor minutes from the meetings that reportedly took place in June and November, 2011 can be found on the city's website.

Based upon both the Second Amended Consent Decree (court order) and the City Ordinance implementing that order, the FHO and FHAC have asserted that Fair Housing activities, in the City of Norwalk (except enforcement), especially on behalf of the City of Norwalk, is the exclusive responsibility of the FHO and FHAC.

The FHO and FHAC share Redevelopment's stated view that Fair Housing is of such importance that many can be gathered to the table to discuss it and, in fact, the FHAC membership is made up of many such groups (Norwalk Housing Authority, Norwalk Human Relations Commission, Connecticut Legal Services, NEON, NAACP, Mayor's representatives, and the Norwalk Redevelopment Agency). But the FHAC and FHO also assert that the Fair Housing table in Norwalk is that of the FHAC and FHO. Similarly, while the redevelopment, or planning, or zoning of Norwalk are also of broad concern and interest, the FHAC and FHO would not purport to create their own redevelopment, planning or zoning committees. Rather, the Fair Housing Office works with the City and its departments and agencies that are charged by city ordinance with those tasks. To our knowledge, all other city departments and agencies do the same.

The FHO and FHAC, on behalf of the City of Norwalk, continue in their mandated roles to address Fair Housing issues, concerns, impediments, and problems and advise the City of Norwalk on Fair Housing matters, as they have done for more than 25 years.

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 88 tenant discrimination complaints received in FY 2010-2011, the majority of those were claims based upon disability, source of income and color.

During the fiscal year, the vast majority of discrimination claims were resolved by the FHO prior to filing with an enforcement body or in court. As previously discussed, 16 cases were prepared for filing and/or filed with an enforcement body or in court.

By resolving so many matters short of going to trial, the FHO saves the City of Norwalk significant money. Were these matters not resolved, the City's Human Relations Commission would have to hold hearings and, if appealed, Corporation Counsel's office would have to defend the Norwalk's Human Relations Commission's hearing decisions first at a state administrative hearing and then in the Superior Court. This would, undoubtedly, cost thousands of dollars for each case, and would likely cost significantly more than $10,000 per case for those appealed and/or brought through the court system.

In all Fair Housing 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 the particular incident.

The most significant housing discrimination issues of FY 2010-2011 were summarized beginning on page 4 of this report.

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 2010-2011 include; continuing to refer victims of predatory lending to reputable programs for renegotiation of untenable mortgages or foreclosure mediation or foreclosure counseling; drafting requests for reasonable accommodation on behalf of disabled tenants; advocating for more affordable housing, and for Fair Housing concerns (in particular, remediation of segregation) in redevelopment projects and areas. On the state level, the FHO continues to: actively participate in groups that coordinate responses (education and legal/remedial) to housing discrimination and predatory lending; speak at state-wide conferences regarding Fair Housing and affordable housing; and work with the government and nonprofits regarding suspected predatory loans and other foreclosure concerns. On the national level, the FHO works with a professional organization, the National Community Reinvestment Coalition, to strengthen consumer protections relative to lending, and the oversight/regulation of lenders.

D. Professional activities.

The Fair Housing Officer is an attorney licensed to practice in Connecticut (as well as other states). Due to budgetary constraints, she has been unable to participate in continuing legal education programs. During FY 2009-2010, the FHO attended one state-wide Fair Housing conference sponsored by the Fair Housing Association of Connecticut but was unable, due to limited funds, to participate in other seminars or conferences or to maintain professional subscriptions regarding Fair Housing and Fair Lending.

The Fair Housing Officer is a member and officer (Chairperson) of the Board of Directors of the Fair Housing Association of Connecticut, Inc.

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 in 2010-2011, Norwalk Redevelopment Agency reports that more than 90% was 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 polices.

The city had three public facility (housing) rehabilitation projects during FY 2010-2011, all senior housing facilities. They were; Broad River Homes, which received a partial new roof, benefiting 48 housing units, and costing $28,000; Irving Freese, which got air conditioning in its community room, servicing 116 residents (those in Irving Freese as well as the residents next door, in the John Shostak apartments, as the two communities share one community room) and costing $35,000 and Hilltop Homes, which had installed a new sprinkler system costing $105,640 for the benefit of 24 units (26 people).

The city's homeownership program provided seven (7) loans, totaling $350,000, used to assist people with down-payments and closing costs (the maximum amount of each loan being $50,000 under the program guidelines).

The city's residential rehabilitation program, during FY 2010-2011, and continuing into FY 2011-2012, worked on two large-scale projects. The first is a 30 unit condominium, Coach Run Condominiums, which will be getting $400,000 (total project cost is $424,000) for exterior renovations (roof, siding, driveway, sidewalks and drainage). The second project is a 12 unit apartment building, located on 143 ½ South Main Street, which is getting a roof, driveway, new boilers, oil tank removal, tree removal, fencing and interior painting of common areas, for a loan of $150,000. That project costs a total of $180,000.

According to the City's annual report to HUD, the City received approximately $950,000 in CDBG funds, and "reprogrammed" (from prior years' allocations) approximately $450,000, totaling approximately $1.4 million in CDBG funds during FY 2010-2011.

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 Norwalk Housing Authority (NHA).

The NHA is required to conduct its own Analysis of Impediments to Fair Housing Choice due to its receipt of funding from HUD, and thereby examine its programs,

policies and procedures for Fair Housing impediments, plan and conduct corrective actions, and keep records regarding same.

In the FHO's opinion, the NHA's current AI, which references the City's, does not fulfill this mandate and needs to be substantially revised. Again, if the issues are not identified first, they will not be addressed. In FY 2011-2012, it appears that the NHA has issued a request for proposals for a consultant to prepare an AI, so this issue may soon be addressed. The NHA will affirmatively further Fair Housing when it conducts a self-assessment as to what policies, practices or procedures might be functioning as impediments to Fair Housing choice, and then identifies actions to take to minimize Fair Housing impediments. To that end, implementation of a reasonable accommodation policy in conformance with Fair Housing laws would help diminish impediments and further Fair Housing. Other activities that would affirmatively further Fair Housing would be additional collaboration with the FHO and FHAC, Fair Housing training sessions for public housing residents, and other proactive activities.

For a number of years, there was almost no collaboration by the NHA with the FHO. In FY 2009-2010, the NHA began to invite the FHO to participate in meetings regarding amendments to governing documents and some Section 8 recipient trainings. In early 2011-2012, the NHA indicated a willingness to schedule resident Fair Housing trainings with the Fair Housing Officer, and these are anticipated to take place beginning in 2012. It appears that collaboration efforts are increasing and this helps further Fair Housing in Norwalk.

The FHO continues to seek additional opportunities with the NHA to affirmatively further Fair Housing through outreach, education, better analysis of Fair Housing concerns and documentation of same, and proper consideration and granting of reasonable accommodations for residents with disabilities.

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...."[4]

[4] Plan of Development for the City of Norwalk, 1990-2000, page 35

As stated earlier, in recent years, due in large part to the economy, little affordable housing has been added to the mix, and the emphasis has been on for-sale affordable units. More affordable rental units may be added to the mix over the next few years, if the development plans for the West Avenue, Wall Street and Reed Putnam areas come to fruition as currently planned.

b. Funding of the Fair Housing Officer position.

Budget: The Fair Housing Office budget is funded in full by the City of Norwalk, as required by the Second Amended Consent Decree (court order), as follows:

Fiscal Year	Budget	% Increase
2012-2013	*$121,799.00*	*0.0%*[5]
2011-2012	$121,799.00	0.0%
2010-2011	$121,799.00	2.5%
2009-2010	$118,828.00	7.0%[6]
2008-2009	$111,102.00	9.8%[7]
2007-2008	$101,414.00	7.5%
2006-2007	$94,414.00	11.7%[8]
2005-2006	$84,509.00	4.5%
2004-2005	$80,847.00	0.0%
2003-2004	$80,847.00	6.8%

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. Instead, funding has been primarily flat, with the operating budget eaten up by unavoidable increases in health insurance premiums (predominantly). Thus, in 2010-2011, there was an operating budget (meaning money left over after required personnel costs) of under $2,000.00 for the entire year.

The FHO's pay was the same in 2008, 2009 and FY 2010-11. For FY 2012-13, which budget is being prepared during the fall of 2011, she will ask for a small increase (2.5%) over her pay of those prior years, quite modest considering the last increase was in 2008 (and City workers have had increases all but one of the intervening years).

The Second Amended Consent Decree mandates how and from where the Fair Housing Office is to be funded, and what that funding shall include:

[5] Amount the City has indicated it anticipates for the Fair Housing Office for FY 12/13 which amount will need a modest upward adjustment or salary, benefits or programming will not be funded.
[6] While seemingly great in percentage (7%), the increase represents $7,726, with under $4,000 attributable to programmatic funding, no salary increase, and the remainder filling insurance-related cost increases.
[7] This increase for the budget year beginning July 1, 2008, allowed for ever increasing insurance costs and a raise in the FHO's salary, the last salary increase received by the FHO.
[8] Nearly 50% of this increase was attributable to unavoidable group health insurance cost increases.

"11. The Fair Housing Officer shall prepare a proposed budget for the Fair Housing Office and submit it to the Fair Housing Advisory Commission. Any proposed expenditures for the Fair Housing Office by the Redevelopment Agency shall be included in the budget. The Fair Housing Advisory Commission shall make any revisions to the budget, and timely submit it through the city's budget process for grant agencies....." [and]

"13. The Fair Housing Advisory Commission may accept outside funds. The Fair Housing Advisory Commission may, as permitted by City Code and in a manner approved by the Finance Director, solicit and accept outside funds, gifts or bequests, public or private, with the assistance of the Fair Housing Officer, consistent with the purposes of the Commission, in order to finance its activities. The outside funds cannot be used to advance or pay the salary of the Fair Housing Officer. The City may reasonable consider the receipt of outside funds when considering the budget of the Fair Housing Office."

In year's past, the FHAC has had one large educational event per year and it anticipates continuing that practice. Plans are currently in the works for an event in April, 2012 (April being National Fair Housing month) and will include a celebration of Norwalk Fair Housing's 25th April/Fair Housing month anniversary.

Conferences and professional journals 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 once again. The Fair Housing Office subscriptions to Fair Housing and Fair Lending publications have all been discontinued. These minimum means of remaining current on the legal topics related to Fair Housing and Fair Lending need to be funded again. Further, the FHO's computer (and software) was purchased in 2003 and is antiquated. The FHO will seek funding in the 2012-2013 budget to buy a new computer including necessary software.

The FHO also anticipates little change, in terms of supporting and serving increasing numbers of residents facing economic and housing crises usually not of their own making.

Further, the Fair Housing Office will look to print more of its brochures (which have run out in early 2011-2012), and will also update the brochures to reflect the change in protected classifications under Connecticut law as of October 2011. As taken from the public law, the new protected class is defined as:

"Gender identity or expression means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."

Norwalk affirmatively furthers Fair Housing when it adequately funds the Fair Housing Office budget, so that the FHO and FHAC can engage in their activities, all of

which assist City residents, save the City strife and money, and contribute to fulfilling the City's duty to affirmatively further Fair Housing.

c. Litigation

There was no litigation pending concerning Norwalk Fair Housing in FY2010-2011.

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

Rehabilitation of residential units has, since the 1990s, been the primary method by which the City of Norwalk addresses the need for affordable housing. The focus has moved away from adding affordable rental units.

The City affirmatively furthers Fair Housing through the financing of housing when it funds the financing of housing rehabilitation as well as creation and/or acquisition programs of for-sale and for-rent housing 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.

In particular, adding affordable rental units makes sense as a policy of the City, given the enormous percentage (57%) of renter households that are severely cost burdened. Locating new affordable housing in areas that don't already contain much affordable housing will further a primary goal of Fair Housing law, furthering desegregation, and would thereby be another step in advancing Fair Housing in Norwalk.

4. **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 consists of 11 Commissioners, all appointed by the Mayor and approved by the Common Council. It is a "next step" on the

Norwalk Fair Housing continuum: after Fair Housing complaints are received and investigated by the Fair Housing Officer, a case (if not otherwise resolved) has to be filed with a hearing body. One option is the Norwalk Human Relations Commission. Other options include the state's Commission on Human Rights and Opportunities (CHRO), or state or federal court, where Norwalk Fair Housing cases are usually filed.

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 funding 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 represenatives, plus 6 other members appointed by the Mayor (all of whom are approved by the Common Council) and representing various organizations. The terms are three years, and are staggered. 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. As of early FY 2011-2012, a long time Commission member and representative of the NAACP resigned because she moved out of Norwalk. NEON's long time representative also resigned recently. It is anticipated that the Mayor and Common Council will soon appoint people nominated by the respective agencies to those seats.

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, as previously described, the FHAC sponsored a program during FY 2010-2011 regarding how a community should write an Analysis of Impediments to Fair Housing Choice document, which presentation was followed by a discussion of Fair Housing issues in Norwalk. Thereafter, continuing on this educational and advocacy path, the FHAC and FHO commented extensively over the course of FY 2009-2010 and into FY 2010-2011, on the city's various drafts of the AI document, suggesting inclusion of items found to be important in a prominent, recent Fair Housing case (in Westchester County, NY) and perceived to be equally applicable in Norwalk.

Additionally, the FHAC and FHO drafted a budget for FY 2009-2010 and attended budget meetings related thereto, with the City's finance director, Mayor and the Board of Estimate and Taxation. In FY 2010-2011, the FHAC and FHO are once again confronting and considering budget issues and planning, and will again seek to assure adequate funding of the Fair Housing Office.

The FHAC held eight (8) regular and two (2) special meetings[9] during FY 2010-2011.

CONCLUSION.

Fiscal Year 2010-2011 was again a time of extraordinary demand, growth and expansion in terms of providing Fair Housing services to the people of Norwalk.

Budgetary concerns have been paramount for many years and remain critical in nature. The total cost is modest, and not subject to reduction, as there is only one staff person.

The essential costs must be covered in full, along with a modest operating budget for the program. Reasonable funding needs to be assured, despite difficult economic times. In fact, the need for the Office is more critical than ever, due to these trying economic times. Clearly, as the numerous housing crises continue and unemployment persists at high levels, Norwalk residents remain in great need of Fair Housing and affordable housing advocacy and are expected to continue to have such needs for the foreseeable future.

Fair Housing violations continue in the private real estate market, especially the rental market. Historically, when economic times are difficult, discrimination increases. Also, there tends to be an increase in discrimination when there is a shortage of affordable housing. These historical trends seem to be holding true. It is expected in the coming year that the violations will at least remain steady, as people are more stressed and pressed by economic woes.

Advocacy by the FHAC and FHO for more affordable housing in Norwalk will continue, even as development is stagnant, hoping for some movement in 2012-2013. Fair Housing violations only exacerbate the difficulties faced by persons seeking

[9] The regular meetings took place as follows: Sept. 13; Oct. 18; Nov. 15; Jan. 18; Feb. 15; April 12; May 16; June 20. Special meetings were held on March 15 and December 8, 2011.

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 that such issues only are worsened by the housing, credit and economic crises.

In conclusion, the Fair Housing Officer serves an ever-increasing number of Norwalk residents. In the worst of times, as expected, the needs of residents increase dramatically. Over the last few years and continuing to date, this is due to the credit crunch, high unemployment and a housing market in crisis (a sales market that is lethargic at best, and a rental market that is increasingly more expensive and tighter). The Fair Housing budget needs to recognize these substantial increases in demand, and requires realistic increases yearly. The FHO and FHAC look forward to receiving adequate funding so that together they may accomplish their and the City's shared mission, to promote Fair Housing and serve the residents of the City of Norwalk.

Respectfully Submitted,

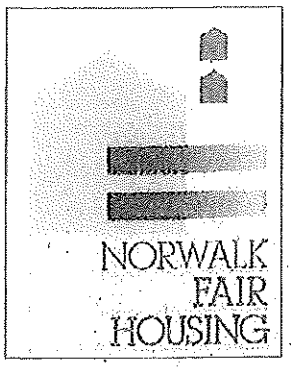
Margaret K. Suib, Esq.
Norwalk Fair Housing Officer
November 30, 2011

ATTACHMENTS

Newspaper Columns FY 10/11

Residential Racial Patterns in Norwalk over 30 Years

BY MARGARET SUIB, ESQ.



How has Norwalk changed over the last few decades, especially regarding our racial make-up and where we live? The Fair Housing Act of 1968 envisioned ending segregation in our society. The question is, how are we doing?

American Community Survey data, provided by the U.S. Census Bureau, states that in 2008 Norwalk was 74.1% White, 12.8% African American/Black, 4.0% Asian, 7% "Other Race," and 23% Hispanic (of any race). 98.2% of us identified ourselves as being of one race, while 1.8% said we were of two races.

In 1984, Norwalk's minority population was 23.2% of the total population. In 2008, the minority population is approximately 25.9%.

According to 1980 census data, 66.4% of Norwalk's non-White population lived in census tracts 445, 444, 441, 440, 437, and 434.

Norwalk's Consolidated Plan ("ConPlan") for 2010–2014 uses recent census data to describe those same census tracts as listed in the table at the bottom of the previous column.

Census Tract	Low/Moderate Income %	Minority %
441 (South Norwalk)	75.24	55.60
445 (Springwood)	69.74	69.20
437 (West Avenue/Wall Street)	67.19	46.90
440 (Flax Hill)	65.48	50.10
434 (Tracey School area)	54.93	45.90
438 (Norwalk Hosp. – Kendall School)	54.58	41.00
444 (Woodward Avenue)	53.11	64.90

As stated in the Con Plan, out of a total of 22 census tracts:

> "Eight census tracts in Norwalk have a minority concentration of more than 30% and four [of those] census tracts are over 50% minority. Note that the top seven census tracts in terms of low–mod population are also the top seven in terms of minority concentration."

Norwalk's census tracts that are least integrated and lowest income have remained so for approximately three decades. The census tracts identified in the table are also known as the "core" census tracts, meaning those that make up the urban core of the city.

Data such as this shows us that the vision of the Fair Housing Act — an integrated society — is still far from realized. Norwalk's Fair Housing Advisory Commission will sponsor a community presentation and discussion in September to examine Norwalk's policies, including zoning and the development of housing opportunities citywide, so that we can begin to impact the persistent economic and racial segregation in our community, on the path to a more perfect union. ■

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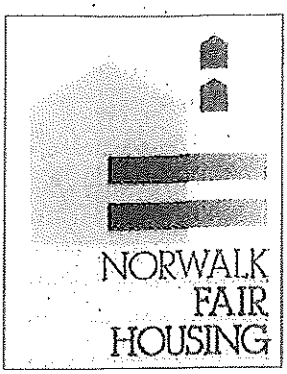
More Than One Million Reasons . . .

BY MARGARET SUIB, ESQ.



The Fair Housing Advisory Commission's "Fair Housing: A Community Conversation" event on September 22, 2010, was a well attended luncheon presentation by Erin Kemple, Esq., executive director of the Connecticut Fair Housing Center. Ms. Kemple outlined the issues and data we should examine to see how we're doing in our quest to end housing discrimination and segregation, the purposes of the federal Fair Housing Act. This self-examination is required by HUD, so long as Norwalk accepts HUD money, including nearly $1,000,000 in Community Development Block Grant funds. Thus, we have one million reasons to honestly examine fair housing issues in Norwalk, in a document called "Analysis of Impediments to Fair Housing Choice" (AI), drafted every five years, including right now. Things Ms. Kemple pointed out that should be analyzed and planned for in the AI include: Look at our neighborhoods and identify areas of racial segregation, then formulate plans to end that segregation; analyze and identify any resistance to integration based on race, national origin, religion, and other protected classifications and, again, plan to address that resistance; take a historic look at patterns of segregation, especially by race, ethnicity, disability status, and families with children, and identify how that segregation and restricted housing supply occurred, including historical and current governmental policies that either caused or further residential segregation; take a look at the housing stock — how much is ownership and rental, what is the current demand and the demographics of the people living in each, and then propose plans to meet the needs. For example, if, as is the case in Norwalk, more than 55 percent of renters are cost burdened (spending more than 30 percent of income on rent), what are the demographics of those renters; in which neighborhoods do they live; are those neighborhoods racially, ethnically, by disability, or family status more segregated than others; and what can we do to address what we find? Adding affordable housing is part of the answer — where in Norwalk it's put is the rest of the answer. Is this easy or comfortable? No. It's sort of like going to therapy: If you are not honest and don't disclose your problems, then you have no chance of solving them. Who cares if Norwalk does its AI "right?" Westchester County, New York, recently settled a case brought against it for doing the AI "wrong." That settlement was for approximately $60 million dollars. HUD has gone after Texas and Louisiana for not addressing fair housing adequately in their plans for using federal funds, and against a city in Illinois for allegedly using eminent domain in a discriminatory fashion. Perhaps you are thinking, "That's far from Norwalk." The U.S. Department of Justice (HUD's enforcement partner) is reportedly currently investigating Darien, Connecticut, for fair housing violations in its affordable housing policies. It doesn't get any closer than Darien. There really are one million plus reasons to care . . . ■

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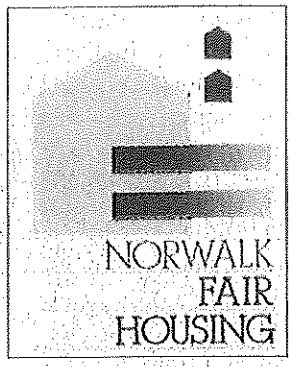
A Recent Fair Housing Settlement: Parking and People with Disabilities

BY MARGARET SUIB, ESQ.



A Norwalk man who uses a wheelchair faces additional difficulties because the handicap parking spot (with wheelchair access aisles and ramps) that he has used for nearly 20 years is suddenly assigned by the condominium association to a person who does not use a wheelchair (but does have a handicap parking permit).

He asked that the spot be assigned back to him, and that the other resident who does not use a wheelchair be provided any another spot (many were available closer to her unit). His requests were ignored or denied. Fair Housing law is clear that ignoring a request, known as a "reasonable accommodation request," is the same as wrongfully denying it.

The man and his family then contact Norwalk's Fair Housing Officer. She and a Fair Housing Advisory Commission member go to the property to see the problems and devise possible solutions. They measure, inspect, and photograph the parking spots, access aisles and ramps, and the distance from both units to parking spots. They consult the building code. They find the ramps in dangerous disrepair and confirm that the wheelchair user would need the spot in question, because it has access aisles and ramps on both sides and is located on one of the only level areas of a sloped parking lot.

The Fair Housing Officer then requests a reasonable accommodation of the condominium association, specifically, assigning the spot in question to the man with the wheelchair, and doing needed repairs.

Under Fair Housing laws, a reasonable accommodation is a request by or on behalf of a person with a disability, for a change in rules, policies, practices, procedures, or services, needed because of his or her disability, which will enable him or her to use and enjoy the home and property.

It took nearly six months but the Fair Housing Officer and the condominium's attorney brokered a solution on the eve of filing a lawsuit.

The solution includes that the wheelchair accessible parking spot will be reassigned for use by the man with the wheelchair, and the ramps and wheelchair aisles will be repaired or reconstructed in compliance with the building code. Another parking spot will be assigned to the lady, to meet her needs. The Fair Housing Officer advised the condominium of a local program that assists in handicap accessibility construction at a reduced cost.

What can we learn from this? (1) We must always consider the request of a person with a disability for something different; (2) Ignoring a request for a change in rules, policies, practices, procedures, or services from a person with a disability request is not permitted by law and doing so can and likely will cost tens of thousands of dollars in legal fees and penalties; (3) If the request is reasonable (not unduly expensive and administratively burdensome), it must be granted by the housing provider; (4) If you are a housing or services provider (landlord, condominium or cooperative association, or property manager), Fair Housing laws apply to you and require you to properly and promptly respond to such requests.

Norwalk's Fair Housing Officer assists people with disabilities in requesting reasonable accommodations, and also assists housing providers and property managers in properly responding, at no charge. It enables us to best serve the nearly 11% of Norwalk residents with a disability and especially, Norwalk's senior citizens, 34% of whom have some kind of disability. ■

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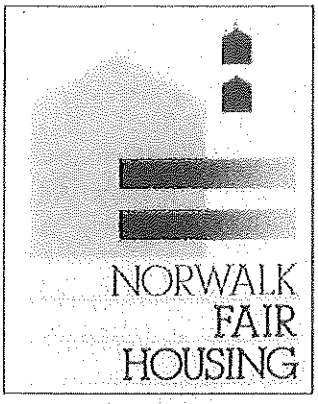
FREE * FREE * FREE!

Got your attention?

BY MARGARET SUIB, ESQ.



Are you a Norwalk tenant, landlord, real estate agent, architect, developer, banker, mortgage broker, Section 8 recipient, housing provider, social service agency, condominium or cooperative association, or property management company? If so, you need to understand Fair Housing laws as they apply to you, including your rights.

How do you get that information? That's the easy part. You contact Norwalk's Fair Housing Officer and have your individual questions answered. You may also ask her to provide a free educational seminar for your office, your clients, or any Norwalk group. Topics of such training includes *fair housing*, *Connecticut landlord/tenant laws*, and *foreclosure information referrals*. The Fair Housing Officer often partners with other presenters, such as Norwalk's Fair Rent office, to make seminars "one-stop shopping" for the participants.

How much will this cost you? Absolutely nothing! Norwalk Fair Housing will provide handouts for participants and only asks you to provide the snacks, if any are to be provided.

In the first few months of 2011, training has been provided to Norwalk agencies including Norwalk Housing Authority, Family & Children's Agency, and NEON (Norwalk Economic Opportunity Now). Training is customized for the clientele/participants. The interests of architects and developers in construction accessibility requirements differ from those of landlords concerned with sources of income, or tenants worried about being denied a housing opportunity because they have a disability or a family with children.

In prior years, training has been provided to real estate offices at their weekly staff meetings, Keystone House, at the homeless shelter and drop-in center, Malta House, for condominium and cooperative associations, for the Continuum of Care membership (social service umbrella network), to name a few. In short, all you need to do is ask. Norwalk Fair Housing will be happy to schedule a training session for your group.

Norwalk Fair Housing will soon have a web page on the City of Norwalk's website (*www.norwalkct.org*) — scroll down under "Departments" and click on "Fair Housing." Training available to the public (along with lots of other great Fair Housing information) will be listed there. Of course, you may also call for information at (203) 854-7820.

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