

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING IN THE DU PAGE COUNTY AREA

December, 2019

INTRODUCTION & EXECUTIVE SUMMARY

Since 1983, as part of DuPage County's requests for Community Development Block Grant (CDBG) funds, it has certified that it will "affirmatively further fair housing." This fair housing certification refers to Public Law 90-284 known as the Fair Housing Act, which "prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap, or familial status." The first Consolidated Plan for Housing and Community Development was completed in 1995 and also required this certification. This certification was further expanded to state that the County will conduct an analysis of impediments to fair housing, take appropriate action, and report on these actions.

The Fair Housing Planning Process

The three-part approach to affirmatively furthering fair housing is referred to as "fair housing planning." The three parts are described as follows, with this analysis representing the first part of that effort:

Conducting an analysis to identify impediments to fair housing choice within DuPage County This analysis is contained within this document. This document's three sections include: (a) a general profile of the region and the county with data and trends that are related to fair housing issues; (b) a fair housing profile presenting information on public and private sector fair housing activities and summarizing fair housing complaints and allegations; and (c) summary statements of fair housing impediments.

Taking actions to eliminate identified impediments After completion of the analysis of impediments, the next step in the planning process is to undertake activities that will address the identified problems. Some of these actions will be existing activities, but it is likely that new activities will need to be designed and implemented. This document contains an action grid summarizing the impediments and actions that will address them.

Maintaining records about the analysis and actions taken The third part of the fair housing planning process is to maintain records about the actions that are undertaken, and, to the extent possible, to evaluate the results. These records will consist of file documentation, but will also be summarized on the action grid on an on-going basis.

Definition of Fair Housing Impediments

Impediments to fair housing choice are defined in two different ways, which we will refer to as "direct" and "indirect." Information about both types of impediments described above is included in this analysis of impediments.

Direct impediments These impediments are those that are commonly known as discriminatory and would include any actions, omissions, or decisions taken because of race, color, religion, sex, sexual orientation, disability, familial status or national origin that restrict housing choices or the availability of housing choice. Such actions would include:

1. Refusing to sell or rent to, or deal or negotiate with any person.

2. Discriminating in the terms or conditions for buying or renting housing.
3. Discriminating by advertising that housing is available only to certain persons.
4. Denying that housing is available for inspection, sale, or rent when it is really available.
5. "Blockbusting" for profit, i.e., persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
6. Denying or making different terms or conditions for home loans by commercial lenders such as banks, savings and loan associations, or insurance companies.
7. Denying to anyone the use of or participation in any real estate services, such as brokers, organizations, multiple listing services, or other facilities relating to the selling or renting of housing.
8. Failure to make reasonable accommodation for accessibility of new or rehabilitated housing to persons with disabilities or denying persons with disabilities permission to make modifications to existing housing to accommodate his or her disability.

While some of the actions described above seem like they would be easy to detect, some of the specific behaviors involved may be difficult to spot. For example, a person who has been a victim of discrimination may be unaware that they have not been given information on all the housing that would be in their price range, and could, therefore, be steered to certain communities or neighborhoods. Since much pricing information is now available on-line, ensuring wide access to on-line resources could help mitigate this type of discrimination. HOPE Fair Housing Center has noted a significant drop in complaints over the last five years as presented later in this document; one of the planned actions of this Analysis of Impediments process will be to try to determine the cause of that drop, including the effects of the way information is now presented and received by the public. Appraisals on property in certain minority areas could be reduced thereby reducing the availability of financing, and it may be the case that racial steering has limited demand, which will depress values. In advertising, consistent failure to include minority persons in printed materials, or otherwise avoid advertising to minority persons, requires more than casual observation to detect.

Indirect impediments. Any other actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choice would fall into this category. An example of this type of impediment would be policies that could create shortages of affordable housing when persons from certain racial or ethnic groups, or persons with disabilities, may be in need of affordable housing. Policies that could have this effect may include comprehensive plans, zoning ordinances, subdivision regulations, building codes, occupancy codes or other local regulations. They may also include regulations and policies that are federally or state generated (such as environmental regulations) that can add costs.

The problem in examining these regulations and policies is that their primary purpose is to create livable communities and to protect people and businesses from adverse impacts such as traffic, flooding, health and safety hazards, overcrowding and other concerns. The fact that they may also add to housing costs, and consequently limit housing choice for some individuals, is an indirect impact.

It is important to note that affordable housing and fair housing are not the same issue. People with monetary resources may find barriers to fair housing. The problem is exacerbated for people of lower incomes because in addition to the impediments described above, they are also competing for a smaller pool of affordable properties.

Process for Completing this Analysis of Impediments

This analysis of impediments was prepared by the staff of the DuPage County Community Development Division and was funded, in part, with Community Development Block Grant funds and in part with DuPage County general funds. Sources of the information in the report include several regional and county documents that describe fair housing and affordable housing issues. As information is presented, the sources are described. Additionally, the Chicago Metropolitan Agency for Planning (CMAP) published a *Fair Housing and Equity Assessment: Metropolitan Chicago* in November, 2013. CMAP is the official regional planning organization for the northeastern Illinois counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will. As stated in the Assessment, it does not “fulfill the obligations of each jurisdiction receiving HUD funding to prepare their own analysis of impediments to fair housing choice. Instead it should be used as a guide and reference for jurisdictions in the region.” It is a meaningful assessment and has been used as a reference in this document because northeastern Illinois is so densely populated and barriers to fair housing do not stop at an artificial county boundary.

I. DESCRIPTION OF THE DU PAGE COUNTY AREA

I.A REGIONAL PROFILE

The 2010 Census showed that, from 2000 to 2010, the population of DuPage County increased by 12,763 persons (1.4%) to a total of 916,924. This is a much slower growth rate than in previous decades (there was a 15.7% increase in population between 1990 and 2000).

Census data indicates that DuPage County compared to the State of Illinois has a significantly lower African American population (14.6% statewide vs. 5.3% DuPage) and a significantly higher Asian population (5.9% statewide vs. 12.6% DuPage) than would be expected. The CMAP Assessment compiled data for the seven county region. The following table compares statistics for DuPage, the CMAP region, and the State of Illinois:

| Table 1 – Demographics Comparison | | | |
|--------------------------------------------------|--------------------------|----------------------------------------|---------------|
| Race and Hispanic Origin | State of Illinois | NE Illinois Seven County Region | DuPage |
| White alone, not Hispanic or Latino | 61% | 58.4% | 66.3% |
| Black or African American alone | 14.6% | 16.2% | 5.3% |
| American Indian and Alaska Native alone | 0.6% | | 0.4% |
| Asian alone | 5.9% | 5.6% | 12.6% |
| Native Hawaiian and Other Pacific Islander alone | 0.1% | | 0.1% |
| Two or More Races | 2.0% | | 2.0% |
| Hispanic Or Latino | 17.4% | 19.8% | 14.5% |
| Foreign Born Persons | 14% | | 18.9% |

CMAP's GO TO 2040 plan states that:

- The past 30 years have shown a substantial increase in diversity
- Growth among all racial and ethnic groups is projected to shift toward suburban areas
- By 2040, it is projected that more than 30 percent of the region's residents will be Hispanic

Table 1 above also demonstrates that DuPage County has a higher percentage of foreign born persons than the State of Illinois percentage. Being foreign born doesn't necessarily equate with lacking proficiency in English; however, the DuPage County Community Services *Language Access Plan* indicates approximately 5% of the DuPage County population is Spanish speaking with limited English proficiency. While percentage of population for the following languages is less than 1%, other languages with

interpretation frequency over 25 times a year in DuPage County Community Services are: Gujarati; Urdu; Tagalog; Arabic; Greek; and Russian. Census Data states that 26.5% of DuPage County households speak a language other than English at home.

I.A.1 Geographic Distribution of Population

CMAP has charted the population growth throughout the seven county region between 1980 and 2010. During this 30 year period, Cook County decreased in population. Kendall County had the largest rate of growth at 208% (although it remains the smallest in terms of population at 114,736 residents). DuPage, while it had the slowest rate of growth of all counties that gained population, does remain the second most populous in the region behind Cook County.

| Table 2 - Population Growth by County 1980 - 2010 | |
|----------------------------------------------------------|------|
| McHenry | 109% |
| Will | 109% |
| Kane | 85% |
| Kendall | 208% |
| Lake | 60% |
| DuPage | 39% |
| Cook | -1% |

I.A.2 Integration in the Region

A regional factor that affects DuPage is the history of integration in the Chicago region. The CMAP Assessment states that “The Dissimilarity Index measures the relative separation or integration of two groups’ population distributions across a region. The Dissimilarity Index is between 0=Lowest and 100=Highest. The higher the number, the more segregated the groups are. For example, an African American-white dissimilarity index of 60 would be considered high, since it would mean that 60 percent of these populations would need to move for both populations to be evenly distributed across a geographic area.” Information from the *US 2010 Project* from Brown University is included in the CMAP Assessment and indicates a Dissimilarity Index for the Chicago region at 75. *The Cost of Segregation Research Report* published by the Urban Institute in 2018 predicts that, although the Chicago area suburban counties will continue to diversify, DuPage, Lake, and Will Counties will remain between 50 and 60 percent white by 2030.

Table 3 shows the population by Race and Ethnicity in the seven county region as stated in census data, with projections by the Urban Institute. (The DuPage County 2030 Projection for African American population has been stated as 6%, rather than the 5% projected by the Urban Institute because their projection was 1% over current state and current state is already 1% higher than stated in their report.)

| Table 3 – Population by Race and Ethnicity | | | | |
|---------------------------------------------------|-----------------------|-------------|----------------|------------------------|
| County | Race/Ethnicity | 2000 | 2011-15 | 2030 Projection |
| Cook | White | 67% | 54% | 43% |
| | African American | 14% | 15% | 14% |
| | Other | 7% | 10% | 13% |
| | Latino | 13% | 21% | 29% |
| DuPage | White | 79% | 66% | 59% |
| | African American | 3% | 5% | 6% |
| | Other | 9% | 13% | 16% |
| | Latino | 9% | 15% | 20% |
| Lake | White | 73% | 63% | 56% |
| | African American | 7% | 6% | 7% |
| | Other | 5% | 9% | 13% |
| | Latino | 14% | 22% | 25% |
| Will | White | 77% | 65% | 59% |
| | African American | 10% | 11% | 12% |
| | Other | 4% | 7% | 9% |
| | Latino | 9% | 17% | 21% |

| | | | | |
|---------|------------------|-----|-----|-----|
| Kane | White | 68% | 58% | 48% |
| | African American | 6% | 5% | 5% |
| | Other | 3% | 5% | 7% |
| | Latino | 24% | 31% | 40% |
| McHenry | White | 90% | 83% | 77% |
| | African American | 1% | 1% | 1% |
| | Other | 2% | 4% | 6% |
| | Latino | 8% | 12% | 16% |
| Kendall | White | 89% | 72% | 66% |
| | African American | 1% | 6% | 7% |
| | Other | 2% | 5% | 6% |
| | Latino | 7% | 17% | 21% |

The CMAP Assessment also has a Race and Income Index analysis. This analysis paints a picture of what a jurisdiction's racial/ethnic composition could look like based on a free market where housing choice is more income driven than racially driven. Table 4 is taken from the CMAP Assessment and shows what would be predicted for each county in the region based on income vs. what actually exists.

| Table 4 – Regional Race and Income Index | | | | |
|-------------------------------------------------|--------------|--------------|--------------|-----------------|
| County | White | Black | Asian | Hispanic |
| Cook Actual % | 52.8% | 24.6% | 5.7% | 16.1% |
| Cook Predicted % | 59.6% | 19.1% | 5.4% | 15.0% |
| Cook Difference % | -6.9% | +5.5% | +0.4% | +1.1% |
| DuPage Actual % | 77.2% | 4.6% | 8.3% | 9.1% |
| DuPage Predicted % | 64.5% | 15.4% | 5.7% | 13.6% |
| DuPage Difference % | +12.7% | -10.8% | +2.5% | -4.5% |
| Kane Actual % | 70.3% | 5.6% | 2.9% | 20.8% |
| Kane Predicted % | 62.7% | 16.5% | 5.6% | 14.4% |
| Kane Difference % | +7.5% | -10.9% | -2.7% | +6.4% |
| Kendall Actual % | 81.0% | 4.5% | 2.1% | 11.0% |
| Kendall Predicted % | 64.9% | 14.7% | 5.8% | 13.8% |
| Kendall Difference % | +16.2% | -10.2% | -3.7% | -2.8% |
| Lake Actual % | 73.9% | 6.7% | 5.5% | 12.9% |
| Lake Predicted % | 64.9% | 15.3% | 5.8% | 13.3% |
| Lake Difference % | +9.1% | -8.6% | -0.3% | -0.4% |
| McHenry Actual % | 89.5% | 0.8% | 2.0% | 7.1% |
| McHenry Predicted % | 63.8% | 15.7% | 5.7% | 13.9% |
| McHenry Difference % | +25.6% | -14.9% | -3.7% | -6.9% |
| Will Actual % | 74.3% | 10.6% | 3.6% | 10.6% |
| Will Predicted % | 63.8% | 15.7% | 5.7% | 14.0% |
| Will Difference % | +10.5% | -5.1% | -2.2% | -3.4% |

I.A.3. Racially Concentrated Areas of Poverty

An interpretation of the data contained in Table 4 indicates that “in a housing market driven only by income, DuPage County would have significantly larger portions of African American and Hispanic residents and fewer white residents. The proportion of African American residents in DuPage is particularly low, at one-third what would be anticipated, suggesting distortion in the housing market.” While this speaks to the population of the county in general, it is also important to look at how populations are concentrated. Data indicates that the Hispanic population of DuPage County is more likely to be living in concentrated poverty than is the African American population. HUD has defined geographic areas with the characteristics of

extremely high poverty and the presences of a majority minority population as “racially concentrated areas of poverty” (RCAPs). Table 5 below sets forth the number of RCAPS across the region by county (information taken from CMAP Analysis).

| Table 5 – RCAP Analysis | | | |
|--------------------------------|------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| County | # of Tracts with Majority Minority (M/M) Population | # RCAPS (Tracts with M/M Population and High Poverty) | Analysis |
| Cook | 717 | 362 | ~50% of the tracts with majority minority population are RCAPS. Much concentration of African American poverty. |
| DuPage | 24 | 6 | 25% of tracts with majority minority population are RCAPS, composed of mostly Hispanic and Asian populations. |
| Kane | 34 | 7 | ~20% of tracts with majority minority population are RCAPS, all with majority Hispanic populations. |
| Kendall | | 0 | |
| Lake | 37 | 17 | Nearly 50% of tracts with majority minority population are RCAPS: 9 Hispanic majority; 3 African American majority; 5 no single race making up minority. |
| McHenry | 0 | 0 | Has 3 tracts with exceptionally high poverty rates, but none have M/M population. |
| Will | 36 | 12 | 33% of tracts with majority minority population are RCAPS: 3 African American majority; 4 Hispanic majority; 5 no single race making up minority. |

Data collected by HOPE Fair Housing Center, as presented later in this document, indicates that just under 30% of complaints received in the past five years have been based on race and national origin.

I.B DU PAGE COUNTY PROFILE

DuPage County is located in northeastern Illinois, 20 miles west of the City of Chicago. It is one of five Illinois counties, including DuPage, Kane, Lake, McHenry, and Will, that surround Cook County. Kendall County is located west of Will County and does not border Cook County; however, it is the seventh county included in the CMAP northeast Illinois planning region and much of the growth of the western suburbs is taking place in Kendall. Of these counties, DuPage and Kendall have the smallest land area (336 square miles and 322 square miles, respectively). One of the reasons for DuPage County’s continued growth is that it is considered a desirable place to live because of its proximity to jobs, new housing, recreational amenities, access to downtown Chicago via three Metra rail lines, and educational opportunities.

I.B.1 Population Characteristics

The population characteristics described in this section are for DuPage County as a whole. Please note that for HUD funding purposes: the DuPage County “Urban County” includes geographic DuPage County plus the Will County portion of the Village of Woodridge, but excludes Aurora, Bolingbrook, Elk Grove Village, Naperville, and Schaumburg; the DuPage County “Consortium” area includes geographic DuPage

County and portions of Naperville that are outside DuPage County, but excludes Aurora and the Village of Bolingbrook. Urban County and Consortium geographies change from time to time during HUD's urban county and/or HOME Consortium requalification process which occurs every three years.

Population trends that can affect fair housing issues and an analysis of their impact on DuPage County are as follows:

- **Population growth rate.** The more quickly a population is growing, the more stretched current housing stock becomes. In many urban areas this can lead to gentrification of formerly affordable and more diverse areas. As indicated in Section 1.A. above and in Table 6 below, the DuPage County growth rate has slowed to less than 2% a year. This growth rate results in less pressure on the number of current units.
- **Population age distribution.** The age distribution of the DuPage County's population provides indicators of such factors as the size of the labor force, rate of new household formations and the varying needs of different age groups. Table 6 illustrates the age distribution of DuPage County residents and indicates that the percent of DuPage population under 18 is getting smaller, while the percent of DuPage population over 65 is growing larger.

| Table 6 – DuPage County Age Distribution | | | |
|-------------------------------------------------|-------------------------|-------------------------|-------------------------|
| | 2000 Census Data | 2010 Census Data | 2018 Census Est. |
| Total Population | 904,161 | 916,924 | 928,589 |
| Under 18 | 26.7% | 24.9% | 22.7% |
| 18-65 | 63.5% | 63.5% | 61.8% |
| 65 and over | 9.8% | 11.6% | 15.5% |

- **Population with disabilities.** The ADA25 Chicago Advancing Leadership organization has compiled statistics on persons with disabilities and reports that approximately 73,908 persons with disabilities reside in DuPage County (8% of population). It should be noted, however, that 37% of seniors report a disability. The CMAP analysis points out that “Many people with disabilities are able to live independently, but housing barriers prevent these individuals from accessing the appropriate housing to meet their needs. Reasons include housing quality, physical accessibility, affordability and an unmet need for supportive services that some individuals require in order to live independently Housing Discrimination artificially constricts the housing choice of people with disabilities.” Data collected by HOPE Fair Housing Center, as presented later in this document, indicates that 32% of complaints received in the past five years have been based on disability.
- **Population below poverty level.** Table 7 below shows the population below poverty level, both by percentage and actual number. Overall, the number of people in poverty has increased by approximately 79% since 2000. When the poverty rate is examined by ethnicity and/or race, however, the data shows that minority populations have a disproportionate number of persons in poverty. Census data from the American Community Survey 2012-2016, as reported in the *DuPage County Department of Community Services 2018 Community Needs Assessment*, prepared by Impact DuPage in July of 2018 indicates that the DuPage County Hispanic/Latino population has a 13.7% poverty rate and the Black or African American population has a poverty rate of 21.4%. The result of this is that minorities are disproportionately competing for the most affordable units.

| | 1990 | 2000 | 2018 Est. |
|--------------------------------|-------------|-------------|------------------|
| Median household money income | \$48,876 | \$67,887 | \$84,442 |
| Persons below poverty, number | 20,948 | 32,163 | 57,572 |
| Persons below poverty, percent | 2.7% | 3.6% | 6.2% |

I.B.2 Employment and Transportation

The DuPage County Department of Economic Development and Planning published the *2011 DuPage County Statistical Profile*. That document reports that according to a Bureau of Economic Analysis in 2009, there are 695,603 jobs in DuPage County. The Profile also states that the “major occupations groups for DuPage County residents indicates that the largest is *management, professional and related occupations* This is a reflection of the high education attainment that characterizes the County’s residents. 45% of all DuPage County residents 25 years old and over have a bachelor’s degree or higher – the highest educational attainment among all counties in Illinois.” According to 2018 Census Data estimates, there are 34,041 business establishments in DuPage County.

The overwhelming mode of travel in DuPage is the private automobile. ~ 86% of all DuPage workers relied on the private automobile to go to work in 2009, which includes those who drive alone as well as carpooling commuters. The mean travel time to work in 2009 was 28.8 minutes.

Despite the obvious dominance of the private auto in work-trip mode selection, public transportation provides indispensable service to a good segment of the County's residents. Over 25,600 passengers board the three commuter rail lines each day. These rail lines run east/west connecting DuPage County to the City of Chicago.

I.B.3 Housing Profile

| Category | Total | Vacancy Rate |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------|
| Total Housing Units | 361,429 | |
| For rental occupancy | 26.7% | 5.49% |
| For owner occupancy | 73.3% | 0.86% |
| <i>Sources: Census Data 2018 Estimates; DuPage Policy Journal; Department of Numbers (www.deptofnumbers.com/rent/illinois/dupage-county)</i> | | |

Table 8 summarizes the housing stock in the DuPage County area, based on sources cited. The vacancy rates for both renter and owner units have decreased over the last several years, particularly as the foreclosure rate has decreased.

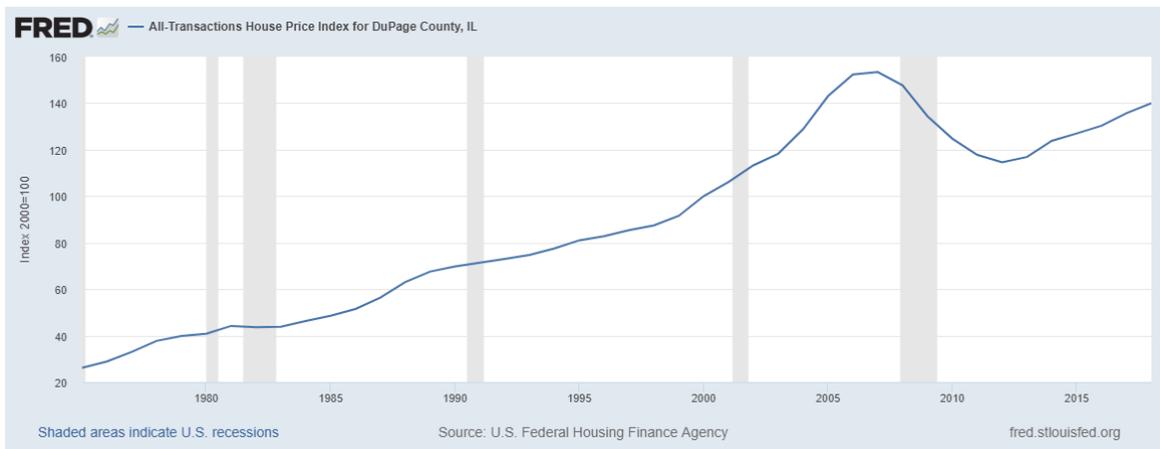
DuPage County continues to have strong homeownership, with approximately 73.3% of housing units owner-occupied and 26.7% renter-occupied.

Housing Affordability – Rental

The National Low Income Housing Coalition (2018), as quoted in the Community Services Needs Assessment, states that “the rent affordable at minimum wage (\$8.25/hour) is \$429, while fair market rent for a zero-bedroom unit in DuPage County is \$879. The estimated mean renter wage in DuPage County is \$18.30, and the rent affordable at mean renter wage is \$952, which is below fair market rent for a one-bedroom unit (\$1,014).” Overall, 43.9% of renters in DuPage County spend 30%+ of their income on rent.

Housing Affordability - Ownership

The below graph from the Federal Reserve Bank of St. Louis website shows the trend of housing prices in DuPage County.



Although the market continues its recovery, DuPage sales prices have fluctuated. For example, in April, 2018, the financial news site *24/7 Wall Street* reported that “DuPage County was named the priciest market for home buyers in Illinois with a median price of \$316,749.” Yet data collected by Realtor.com states that the median sales price in November, 2019 was \$275,000. This is still 14.5% higher than the Chicago Metro region median sales price of \$240,000 also reported in November, 2019 by the Illinois Realtors Association.

The Illinois Housing Development Authority (IHDA) was named the administering agency for the Illinois Affordable Housing Planning and Appeal Act (AHPAA) (Public Act 93-595, as amended by Public Act 93-678) that went into effect on January 1, 2004 and publishes a list of exempt and non-exempt local governments under the law.

The law was intended to encourage municipalities and counties to incorporate affordable housing into their communities. It requires all counties and municipalities with insufficient affordable housing, as defined by this law, to adopt an affordable housing plan. Local governments with sufficient affordable housing, set by the statute as 10% or more of total year-round housing units, are exempt, as are municipalities under 1,000 in population. The Act also states that affordable housing developers who are denied permits by communities with insufficient affordable housing or receive approvals with infeasible conditions, may appeal local decisions to a State Housing Appeals Board, which was to be activated in January of 2009. The State Housing Appeals Board has not yet been activated and the Governor is still in the process of appointing members. In the interim period, no appeals were received by IHDA.

IHDA was named the administering agency for the law and published the first of an annual list of exempt and non-exempt local governments under the law. This list defines non-exempt local governments as those with insufficient affordable housing, which are required to adopt affordable housing plans. At a minimum, the plan must include:

- a statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of this Act;
- an identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of lands and structures of developers who have expressed a commitment to provide affordable housing and lands and structures that are publicly or semi-publicly owned; incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction; and
- a goal of: a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; or a minimum of a 3 percentage point increase in

the overall percentage of affordable housing within its jurisdiction, as defined in Section 20 of the Act; or a minimum of a total of 10% of affordable housing within its jurisdiction.

The law was further amended in 2005 to provide some tools to municipalities, such as the ability to share affordable units across boundaries and the use of land trusts. Additionally, IHDA has amended its tax credit application process to give extra points for affordable housing development in the non-exempt communities, and those with 10-20% affordable units that may be at risk of becoming non-exempt.

Table 9 gives affordable housing unit information on the municipalities within DuPage County and identifies those that are non-exempt from the AHPAA.

| Table 9 – Municipal Housing Affordability | | | | |
|--------------------------------------------------|-------------------------------|-------------------------------|---------------------------------|---------------------------------------------------------------------|
| Municipality | Total Year-Round Units | Total Affordable Units | Affordable Housing Share | Non-Exempt |
| Addison | 12,172 | 5,581 | 45.9% | |
| Bartlett | 13,631 | 1,393 | 10.2% | |
| Bensenville | 6,273 | 2,769 | 44.1% | |
| Bloomington | 8,762 | 1,767 | 20.2% | |
| Burr Ridge | 4,338 | 144 | 3.3% | Non-Exempt (Must submit AHPAA plan by 6/28/20) |
| Carol Stream | 14,462 | 4,391 | 30.4% | |
| Clarendon Hills | 3,192 | 450 | 14.1% | |
| Darien | 8,750 | 1,563 | 17.9% | |
| Downers Grove | 19,529 | 3,986 | 20.4% | |
| Elmhurst | 15,535 | 1,278 | 8.2% | Non-Exempt (Must submit AHPAA plan by 6/28/20) |
| Glen Ellyn | 10,406 | 1,659 | 15.9% | |
| Glendale Heights | 11,130 | 5,389 | 48.4% | |
| Hanover Park | 11,153 | 6,706 | 60.1% | |
| Hinsdale | 5,533 | 184 | 3.3% | Non-Exempt (must submit AHPAA plan by 6/28/20) |
| Itasca | 3,123 | 549 | 17.6% | |
| Lisle | 9,506 | 1,568 | 16.5% | |
| Lombard | 17,211 | 4,183 | 24.3% | |
| Naperville | 50,410 | 3,778 | 7.5% | Non-Exempt (must submit AHPAA plan by 6/28/20) |
| Oak Brook | 2,986 | 77 | 2.6% | Non-Exempt (must submit AHPAA plan by 6/28/20) |
| Oakbrook Terrace | 1,130 | 127 | 11.3% | |
| Roselle | 8,161 | 2,242 | 27.5% | |
| Villa Park | 7,683 | 2,482 | 32.3% | |
| Warrenville | 4,896 | 2,153 | 44.0% | |
| Wayne | 929 | 44 | 4.8% | Non-Exempt (Has submitted AHPAA plan to IHDA and received approval) |
| West Chicago | 7,556 | 2,298 | 30.4% | |
| Westmont | 10,675 | 3,651 | 34.2% | |
| Wheaton | 19,030 | 2,607 | 13.7% | |

| | | | | |
|-------------|--------|-------|-------|--|
| Willowbrook | 3,923 | 1,528 | 39.0% | |
| Winfield | 3,691 | 689 | 18.7% | |
| Wood Dale | 4,960 | 2,058 | 41.5% | |
| Woodridge | 12,998 | 2,944 | 22.7% | |

I.B.4 Availability of Housing Services

The Consolidated Plan lists the organizations that provide services in the DuPage consortium area. These organizations are located throughout the area and serve many types of needs including homeless shelter, counseling, fair housing services, housing information and referral, provision of special needs housing, affordable housing, and other needs. The primary organizations providing fair housing services are the HOPE Fair Housing Center and the DuPage Department of Community Services. The extent of their activities is reported in the fair housing profile section of this document.

II. DUPAGE COUNTY'S FAIR HOUSING PROFILE

This section includes information about fair housing activities that are taking place in DuPage including both public and private actions. In addition, as an indicator of problems that exist in the County, we have summarized information about fair housing complaints in the DuPage area.

II.A FAIR HOUSING ACTIVITIES OF PUBLIC AND PRIVATE AGENCIES

II.A.1 Municipal Activities

In 1992, a survey was taken of DuPage municipalities to learn more about their housing activities. Municipalities were asked if they had updated their zoning ordinances to reflect the federal law permitting group homes in residential districts, if they had revised their building code to reflect the ADA accessibility guidelines, if they had a human rights commission, a fair housing ordinance, or if they sponsored any other housing activities. The survey also asked if the municipality had received any housing discrimination complaints and, if so, how they were handled.

Twenty of the 35 DuPage municipalities responded, and more than half of these had adapted, or were in the process of revising, their zoning ordinance to permit group homes in compliance with the 1988 Fair Housing Act. Most municipalities responding had revised their building code to comply with the handicap accessibility standards of the Americans with Disabilities Act. Those municipalities that had not adapted to the standards set in the ADA were following the Illinois Accessibility Standards and the Environmental Barriers Act, which match or in some cases may exceed the standards set in the ADA.

Most municipalities do not have a fair housing ordinance, however, the village of Bensenville, the Village of Carol Stream, the Village of Glen Ellyn, and the City of Wheaton do. A Human Rights Commission to handle local fair housing complaints is a typical feature of a fair housing ordinance, but no municipality reported having an active Human Rights Commission.

The Housing Resource Unit of the DuPage County Department of Community Services also fields fair housing complaints and refers them to HOPE Fair Housing Center. The Housing Resources Unit provides an education program on Fair Housing Law to apartment managers and owners and distributes written materials and public information, including Illinois Statute Chapter 80 regarding Tenant and Landlord, Illinois Statute Chapter 68 on Human Rights, Federal Register with pages containing Fair Housing Amendment Act, Discriminatory Housing Practice, Synopsis of the 1988 Fair Housing Amendment Act, and the Americans with Disabilities Act of 1991.

The DuPage Community Development Commission (CDC) requires DuPage communities, which apply for Community Development Block Grant funds to have a Fair Housing Action Plan on file. Fair Housing Action Plans may, but need not, include a fair housing ordinance, creation of a human rights commission, and provision of education programs on fair housing, outreach to minority groups, support for fair housing groups, and general promotion of leadership in fair housing. The CDC also requires a certification from each municipality receiving funds that its zoning ordinance is in compliance with the Fair Housing Amendments Act of 1988. Table 9 lists municipalities that have supplied fair housing action plans to the CDC.

| Table 9. Municipalities Submitting Fair Housing Action Plans to the DuPage Community Development Commission* | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Village of Addison | Village of Villa Park |
| Village of Bensenville | Village of Warrenville |
| Village of Carol Stream | City of West Chicago |
| Village of Glen Ellyn | City of Westmont |
| Village of Glendale Heights | City of Wheaton |
| Village of Lombard | Village of Woodridge |
| Village of Villa Park | * DuPage County has also submitted an action plan to the committee |

An action goal of this analysis will be to update our municipal surveys regarding zoning ordinances and fair housing.

II.A.3 Activities of the DuPage Housing Authority

The DuPage Housing Authority (DHA), as part of its Administrative Plan, has a Fair Housing and Equal Opportunity Policy. This policy first states the DHA's commitment to nondiscrimination and equal housing opportunity. The policy is broken down into three main parts: Equity and Non-Discrimination, Policies Related to Persons with Disabilities, and Improving Access to Services for Persons with Limited English Proficiency. Part I: Equity and Non-Discrimination presents DHA's laws and regulations regarding nondiscrimination. Part II: Policies Related to Persons with Disabilities discusses the rules and policies of DHA programs as they relate to persons with disabilities. Part III: Improving Access to Services for Persons with Limited English Proficiency outlines the DHA's rules and policies that are designed to ensure fair access to services by persons with limited English proficiency (LEP). The DHA also supplies information on available housing to encourage a wider range of location choices for its clients. This is in accordance with HUD's "open housing" policy.

The DHA maintains an Equal Opportunity Housing Plan, which has five primary objectives.

Part I – Equality and Non-Discrimination The DHA is required to fully comply with all federal, state, and local nondiscrimination, fair housing, and equal opportunity. This includes the following: Title VI of the *Civil Rights Act of 1964*, Title VIII of the *Civil Rights Act of 1968* (as amended by the *Community Development Act of 1974* and the *Fair Housing Amendments Act of 1988*), *Executive Order 11063*, Section 504 of the *Rehabilitation Act of 1973*, *The Age Discrimination Act of 1975*, Title II of the *Americans with Disabilities Act* (to the extent that it applies, otherwise Section 504 and the *Fair Housing Amendments* govern), *Violence Against Women Reauthorization Act of 2013 (VAWA)*, *The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule*, published in the Federal Register, February 3, 2012 and further clarified in *[Notice PIH 2014-20]*. DHA is required to provide information to families and owners regarding all applicable civil rights laws. This is included under Part 2-I.B of DHA's Administrative Plan. DHA also maintains a policy regarding discrimination complaints. The DHA policy states "applicants or participants who believe that they have been subject to unlawful discrimination

based on actual or perceived sexual orientation, gender identity, or marital status may notify DHA either orally or in writing.”

Part II - Policies Related to Persons with Disabilities The DHA must ensure that full access to all programs is maintained for persons with disabilities. Disability discrimination is prohibited under the *Fair Housing Act*. DHA policy states that “DHA will ask all applicants and participants if they required any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the DHA, by including the following language: ‘If you or anyone in your family is a person with disabilities, and you required specific accommodation to fully utilize our programs and services, please contact the housing authority.’” Part II also includes a provision regarding program accessibility for persons with hearing or disabilities that specifies the specific policies that DHA has in place to ensure that persons with hearing and vision disabilities have reasonable access to DHA programs and services.

Part III – Improving Access to Services for Persons with Limited English Proficiency (LEP) DHA identified language for LEP as a major barrier to the receipt of important benefits and services. In order to address those concerns, DHA outlines the following four factors in determining language access: number of LEP persons eligible to be served, frequency of contact for LEP with DHA, nature and importance of the service being provided, and DHA’s available resources. DHA policy outlines both oral and written translation requirements in order to meet the needs of LEP.

II.A.4 Activities of Private Agencies

HOPE Fair Housing Center

Under its contract with the County, HOPE Fair Housing Center conducts a variety of activities, including:

- Maintaining an office where residents can come to obtain fair housing and equal opportunity materials.
- Home sales and rental testing for discrimination based on race, national origin, children or disability;
- Investigation and testing of property owners and managers who rent to Latino and immigrant populations but lease them different and substandard housing as compared to the housing rented to other populations;
- Assistance for tenants with disabilities who require reasonable accommodations or modifications;
- Providing support to Code Enforcement Inspectors and other municipal employees; and
- Fair housing education and outreach with and for other non-profit organizations, governmental agencies and consumers.

a. Training HOPE conducts voluntary training, education and testing programs at the request of municipalities, lending institutions, real estate brokers, and housing providers. HOPE has produced videos on mortgage lending discrimination and is currently producing two others for the National Fair Housing Alliance and Fannie Mae. HOPE uses the videos on a local and national level to help make lenders and housing providers more sensitive to issues of housing related discrimination.

b. HOPE Newsletter HOPE’s newsletter, which is widely distributed throughout the Chicago metropolitan area and in some other areas of the country, provides up to date information on fair housing issues. It is mailed to DuPage County mayors and managers and attempts to make them aware of informational and educational programs that are available to them.

c. DuPage Housing Authority HOPE assists the DuPage Housing Authority in training its staff on fair housing issues. In addition, HOPE produced two video presentations for clients of the housing authority so that they understand how to most effectively obtain housing using housing assistance vouchers.

d. Other outreach activities. In 2009, HOPE launched an updated website to give clients more and better information regarding their fair housing rights and how HOPE might assist them through testing, investigation and complaint filing. HOPE has also launched a book mark campaign through the distribution of 60,000 book marks that give fair housing information in a very eye-catching way. The bookmarks are also distributed through: DuPage Homeownership Center, DuPage Housing Authority, Peoples Resource Center, Catholic Charities, Metropolitan Family Services, Center for Independent Living, and the DuPage Community Foundation.

e. Local and National Involvement and Communication HOPE staff frequently speaks before corporate groups, church, civic and school gatherings, and neighborhood and community coalitions in an effort to bring better understanding of fair housing issues and their impact on individuals and communities.

f. Code Enforcement Code inspectors from many DuPage County municipalities are working with HOPE to ensure that housing codes are being enforced fairly, and with compassion and understanding. Both HOPE and the code inspectors have gained much from this partnership.

g. National Media Campaign HOPE's director serves as a consultant to the National Fair Housing Alliance's National Media Campaign in the development and distribution of public service ads on fair housing, lending and home insurance. These radio and TV ads are heard and seen nationally and are designed to help victims better understand their rights and who to call should their rights be violated.

h. National Fair Housing Training HOPE's director serves on the faculty of the National Office of Legal Education for the Department of Justice in the training of United States attorneys from around the country on fair housing and related issues.

i. National Fair Housing Information and Outreach HOPE is a valuable resource to both public and private institutions with regard to fair housing issues. HOPE produced a video presentation for HUD at its national conference, which was shown to more than 1,200 attendees. HOPE assisted Fannie Mae in developing an effective outreach program for its national conference on predatory lending. Every fair housing center in the country uses some of the materials produced by HOPE to reach out to persons who experience discrimination.

j. Fair Housing Video Production and Distribution HOPE Fair Housing Center creates award winning video presentations and print materials for educational, motivational and corporate use. These videos are used extensively throughout DuPage County, the Chicago metropolitan area and in 45 states. Since 1995, HOPE has produced 12 videos on issues such as lending discrimination, opening doors in rural communities, accessibility and housing discrimination in America's cities. These videos are available at the HOPE office.

DuPage Center for Independent Living DCIL is an advocate organization for people with disabilities, and, in 1995, they began subcontracting with Access Living. Access Living is the independent living center in the City of Chicago. This subcontract provides funding to DCIL to work on fair housing issues in DuPage County with specific emphasis on issues relating to people with disabilities. Part of the project is to provide information and advocacy to open up more housing to people with disabilities. An example of this type of activity is to intervene when a landlord will not allow a guide dog on the property. DCIL also trains fair housing testers and does testing regarding rentals, sales of real estate, and mortgage lending.

Main Street Organization of Realtors The Realtors Association requires fair housing training for all new members and conducts a one-day training session for this purpose. In addition, all realtors are required to earn continuing education unit credits in order to retain their certification, and part of this continuing education is on fair housing issues. The instructors for the fair housing education activities must have the coursework approved by the State of Illinois. The Realtors Association encourages all member offices to

sign a Voluntary Affirmative Marketing Agreement (VAMA) with HUD. The Association maintains an Equal Opportunity Committee to receive and investigate complaints regarding violations of the National Association's Code of Ethics and Code of Equal Opportunity in Housing. Disciplinary action may be taken by the Professional Standards Committee if findings of a violation are found.

DuPage Area Lenders Local lenders are trained on Regulation B, which is the Equal Credit Opportunity Act. Each lending institution is responsible for providing its own training to new and existing employees. However, there is a standardized test given to lenders to assure a basic understanding of fair lending law. The activities of DuPage area lenders are also impacted by the Community Reinvestment Act and the Home Mortgage Disclosure Act. All lenders must prepare information regarding compliance with these acts, and compliance with these acts is monitored by federal agencies.

II.B SUMMARY OF FAIR HOUSING COMPLAINTS AND ACTIONS

Disability Cases/Highlights

As with most fair housing organizations around the country, individual complaints by persons with disabilities continue to be the largest share of fair housing complaints. HOPE Fair Housing Center received 193 housing complaints between 2015 and 2019 from DuPage County residents with disabilities. Our work on these cases included assisting residents with disabilities in making reasonable accommodation and modification requests and assessing developers' design & construction compliance with the Fair Housing Act accessibility requirements. HOPE additionally advocated for and litigated matters that led to long term policy changes resulting in inclusion and more housing opportunities for residents of DuPage County and across Illinois with disabilities.

Design & Construction

- Accessibility for persons with mobility impairments continues to be an issue in DuPage County. The Fair Housing Act requires all new multifamily construction to be built to meet the needs of persons with mobility impairments, but there continues to be non-compliance with these requirements. HOPE has brought several cases involving DuPage County multifamily properties which were not designed & constructed to be accessible to persons with disabilities. These cases have involved both rental properties (apartments) and ownership properties (condos). As a result of the cases that HOPE brought, hundreds of units have been brought into compliance and these property developers, who continue to build in DuPage County, have agreed to meet accessibility requirements on all future properties.

Disability Advocacy / Policy Change

- HOPE worked with outside counsel to resolve multiple cases, including one involving a DuPage supportive living facility that excluded people solely on the basis of mental health diagnosis. This case included the State of Illinois and involved multiple filings. As part of the resolution, the SLF revised the facility's policies and practices to comply with the Fair Housing Act. HOPE additionally entered into a consent decree with the State of Illinois, which addressed exclusion of people solely on the basis of mental health diagnosis. The consent decree required the State of Illinois to revise its regulation, to revise policies and guidance to comply with the Fair Housing Act, to provide fair housing education, monitoring and compliance. This settlement applied to over 15,000 units throughout the state, many of which are located in DuPage County.
- On March, 15 2016, Lisle's Planning and Zoning Commission approved an amendment to their ordinance that allows community residences for persons with disabilities without the unnecessary steps, barriers, expense and privacy concerns created through the special use permit process. HOPE

staff previously received a complaint from a family looking to create a group home for their daughter in Lisle and began the investigation and advocacy process for the Village of Lisle to (a) grant a reasonable accommodation and (b) amend the text of its ordinance to comply with Fair Housing Act protections for persons with disabilities. Lisle zoning did not allow for more than 3 unrelated persons, including group homes, without a special use permit.

Reasonable Accommodation and Reasonable Modification highlights

- HOPE assisted numerous reasonable accommodations for DuPage County residents, allowing them the full use and enjoyment of their housing. Below are a few examples.
- HOPE achieved a reasonable accommodation for a senior with disabilities so that she could move into an affordable apartment. Because the client has allergies and chemical sensitivities, HOPE staff devoted significant time to assist the client and housing provider to find suitable materials to accommodate this client.
- HOPE settled a reasonable accommodation case on behalf of a client against a condominium association in Lisle. The client was awarded \$9,000 in damages, the reasonable accommodation was granted, and the association was required to receive fair housing training as well as create a reasonable accommodation policy that positively impacted approximately 324 units of housing. The client had been requesting the parking space for almost two years unsuccessfully. HOPE filed a HUD complaint against the association, conducted an on-site review of the property with a HUD investigator and reviewed the condo association's covenants regarding parking spaces. HOPE was to achieve a conciliation agreement in this matter for the client.
- HOPE worked with counsel and clients (a senior veteran and his wife on limited incomes) to achieve a HUD conciliation with a housing provider. The conciliation agreement included payment to HOPE's clients and attorneys, monitoring and compliance data for a period of three years, fair housing training and certain accessibility modifications at the property. The housing also made a number of accommodations to our client: including an assigned, accessible parking space, grab bars in the bathroom, and a ramp at the front door for easy accessibility.

Race/National Origin Cases/Highlights

Segregation Continues

As noted in the CMAP report of existing conditions in DuPage County:

While the housing stock and the population of DuPage County have grown more diverse in recent years, acceptance of that diversity has not been universal. Anecdotal evidence from interviews indicate that the phenomenon of "NIMBYism" (an acronym for "not-in-my-backyard") is pervasive in DuPage County and an underlying factor in the construction of new housing generally, and of certain types (townhome and multifamily housing) and for certain populations (often low- and moderate-income households).

This NIMBY-ism was evident in conversations related to the redevelopment of the McDonald's campus in Oak Brook. One longtime Oak Brook resident spoke out strongly against allowing rental apartments into the village. "You start bringing in renters and when they leave, they leave an empty apartment," he said. "It's going to destroy Oak Brook as we know it." The resident said he was afraid that the apartments would become Section 8, part of the Housing Act, which authorizes the payment of rental housing assistance to private landlords. "The border we have on the east side is something we don't want in this town," he said,

mentioning Westchester, Maywood and Melrose Park. But, a senior member of Hines Chicago assured that there never would be any Section 8 housing in the development.

Local jurisdictions, unfortunately, continue to oppose the type of mixed income developments recommended in multiple reports to DuPage County, including a study done for Impact DuPage's housing steering committee. As noted above, the objections to multifamily housing and affordable housing directly relate to race and national origin.

HOPE continues to work with local individuals and organizations to advocate for inclusivity in their communities. One local jurisdiction is considering inclusionary zoning as a result of local resident and organization advocacy. HOPE's community engagement is on-going in multiple DuPage County jurisdictions.

Foreclosed properties (REO)

The foreclosure crisis has had a disproportionate effect on communities of color. Between 2005 and 2009, while White families saw a 16 percent drop in household wealth, Latino and African American communities lost a staggering 66 percent and 53 percent of their household wealth, respectively. Studies also show that African Americans and Latinos were steered to high-risk loans. With the loss in household wealth and the steering towards high risk loans, communities and neighborhoods of color disproportionately felt the impact.

In their investigatory report, "The Banks Are Back, Our Neighborhoods Are Not: Discrimination in the Maintenance and Marketing of REO Properties," the National Fair Housing Alliance found that:

REOs in communities of color were 42 percent more likely to have more than 15 maintenance problems than properties in White communities.

- Trash and debris were 34% more likely to be found on REO properties located in communities of color than on REO properties in White neighborhoods.
- REO properties in communities of color were 82 percent more likely than REO properties in White communities to have broken or boarded windows.
- REO properties in predominantly White neighborhoods were 33 percent more likely to be marketed with a professional "For Sale" sign than their counterparts in African-American or Latino communities.

The report notes many of the consequence of banks failing to properly maintain their assets. The burden of related expenses (exterior maintenance, rodent abatement, demolition, and administrative and judicial costs) falls to the local governments. The local government must also deal with the consequences of declining property values, such as a decline in tax revenues.

HOPE's REO investigations revealed striking similarities with respect to the treatment of properties in Illinois which indicates that communities of color throughout Illinois are receiving inferior treatment in the maintenance and marketing of REO properties. HOPE is part of three national federal lawsuits against large lending institutions to correct the harm done to communities of color, including many in DuPage County, in their failures to market and maintain REO properties.

Lending

- HOPE, along with the Chicago Lawyer's Committee for Civil Rights Under Law and private counsel, privately settled and withdrew a HUD complaint against a large lender. Though the private agreement restricts public disclosure of the respondent's information, the lender has a strong presence in DuPage

County and damages were awarded to the bona fide complainants in the case. The lender agreed to review its policies and work to increase its mortgage lending in communities of color.

Intersection of Race and Source of income

- HOPE staff worked with a coalition of Naperville area residents to advocate with Naperville City Council regarding its obligations to Affirmatively Further Fair Housing. On October 4, 2016, the Naperville City Council amended its ordinance to include protections for HCV holders. HOPE staff is engaging with other advocates to increase HCV protections under the State of Illinois Fair Housing Act.
- HOPE investigated several apartment complexes in Naperville that refused to accept the Housing Choice Voucher (HCV) from single African American mothers with children. HOPE continues to conduct investigations regarding SOI discrimination by Housing Providers in Naperville that may violate the FH ordinance for the city or possibly the Fair Housing Act based on disability/race.

Intersection of Race and Criminal History

- A DuPage County housing provider was requiring a family to do an updated background check for an adult son living with them. The son was under court supervision for a theft that occurred while the son was struggling with substance abuse issues. HOPE advocated that the housing provider follow HUD's guidance regarding criminal records and conduct an individualized assessment of the son's record – which included his success under supervision, the fact that he is currently in treatment and no longer abusing substances, that he had been living successfully at the community for 11 months, that the criminal record involved a non-violent crime and that he will be eligible for record expungement in the near future. The housing provider did conduct an individualized assessment and agreed that the adult son could continue to live with his family as he continues to recover.

Familial Status Cases/Highlights

Refusal to Rent

- HOPE filed fair housing complaints with HUD. The complaints involved a single mother with a son who was told she couldn't rent the apartments because of her son. HOPE conducted an investigation and found that the housing provider in Downers Grove had policies that discriminate against families with children. IDHR issued cause findings in this case. HOPE testing demonstrated that the landlord was willing to rent the apartment to two persons (a married couple) but not two persons if that included a child. The landlord has revised their policy and no longer discriminates against families with children. HOPE's client received \$10,000 in settlement of this complaint.

Occupancy Standards

- After receiving a complaint about a family with three children being turned down from several two bedroom apartments, HOPE initiated a larger systemic investigation of the housing providers, which has several properties in DuPage County. The investigation revealed that the housing providers have restrictive occupancy standards that conflict with local occupancy standards and operate to discriminate against families with children. After filing a fair housing complaint with HUD, the housing provider has agreed to change its occupancy standards and policies regarding renting to families with children. The client family was also compensated as part of the settlement agreement.
- A client that had been waiting for a subsidized apartment in Wheaton was denied because she had her 5th child while on the waiting list. The stated reason was that 6 people were too many for the 4 bedrooms according to their occupancy standards and the sizes of the bedrooms. The Housing Provider's Property Manager was given information regarding local code, occupancy standards per International Property Maintenance Codes, HUD/HQS guidelines on the topic, and was informed of the potential for their applicants in general to file Fair Housing complaints based on Familial Status. The housing

provider agreed to change its policies to comply with local occupancy standards and allow the client to live in the property.

National Origin

- HOPE was able to informally resolve an issue between a client and a Wheaton apartment complex which was requiring tenants to provide a copy of the license and green card or visa as part of their new vehicle registration policy. After HOPE sent a letter regarding national origin discrimination and immigration status discrimination to management, management informed their tenants that they are no longer enforcing the policy of requiring any proof of citizenship for parking permits.

II.B.1 Status of Complaints Received by HOPE Fair Housing Center

Table 11 and 12 **HOPE Fair Housing Center Service Statistics**

DuPage Summary of Complaints 2015-2019

Between 2015 – 2019 HOPE Fair Housing Center documented 799 housing complaints from DuPage County. The majority of HOPE’s complaints originated from renters. See chart below.

| Complaints by Client Type | | | | | | | |
|---------------------------|------------|-----------|----------------------|-------------------------|----------|--------------|------------|
| | Renters | Buyers | Real estate Agencies | Community Organizations | Seller | Neighborhood | *Other |
| 2015 | 138 | 9 | 0 | 0 | 0 | 1 | 57 |
| 2016 | 169 | 3 | 0 | 1 | 0 | 1 | 22 |
| 2017 | 130 | 2 | 10 | 1 | 0 | 0 | 16 |
| 2018 | 109 | 1 | 0 | 3 | 1 | 0 | 6 |
| 2019 | 98 | 2 | 3 | 9 | 0 | 0 | 7 |
| Totals | 644 | 17 | 13 | 14 | 1 | 2 | 108 |

*Other category includes individuals/families/groups such as: homeowners who experience housing issues post-acquisition; who are homeless or seeking housing; groups dealing with exclusionary zoning issues; and others.

Three hundred and fifty three (353) of the 799 complaints involved an issue where discrimination due to a protected class was alleged. Discrimination based on Disability was the most common allegation in those complaints, followed by Race. There were instances when more than one protected class was alleged in a single complaint, therefore the numbers below add up to more than 353. See chart below.

| Fair Housing Complaints by Protected Class (some complaints had multiple protected classes) | | | | | | |
|------------------------------------------------------------------------------------------------|------|-----------------|-----------------|------------|------------------|---------------------------------------------------------------|
| | Race | National Origin | Familial Status | Disability | Source of Income | Other (Age, Sex, Sexual Orientation, Marital Status) |
| 2015 | 20 | 2 | 5 | 38 | 1 | 0 |
| 2016 | 23 | 5 | 5 | 20 | 4 | 4 |
| 2017 | 39 | 7 | 15 | 55 | 12 | 27 |
| 2018 | 32 | 5 | 15 | 34 | 28 | 28 |
| 2019 | 37 | 7 | 16 | 46 | 38 | 27 |
| Totals | 151 | 26 | 56 | 193 | 83 | 86 |

Tables 11 and 12 provides a summary of HOPE Fair Housing Center service statistics for the period since the last Analysis of Impediments was conducted. Rental complaints continue to comprise the highest number of complaints and accessibility/disability complaints have risen significantly.

III. SUMMARY OF FAIR HOUSING IMPEDIMENT ISSUES

The purpose of fair housing planning is to identify impediments to fair housing and to implement strategies for addressing these impediments. Below is a summary of issues that are seen as impediments to fair housing. In the terminology of this report, some impediments are direct and some are indirect. The statements of these issues come from evaluation of the data presented in this paper and from consultations with DuPage Housing Authority and HOPE Fair Housing. There are four major categories of impediments described.

III.A Misunderstandings About the Nature of Fair Housing Problems

The CDC suggests that many fair housing problems are exacerbated by general misunderstandings of the nature of the problem. Four specific issues are described below.

The Need to Recognize that Discrimination is a Problem The complaint data in this report, summarizing hundreds of fair housing complaints in the last year, indicates that discriminatory behavior exists.

The Need for Education of Providers By providers, we mean apartment managers, realtors, lenders, insurance agents, and others providing the services that give access to housing. There is a need for more than general education about the law. According to a consultation with the DuPage Housing Authority, information that would train providers in specific situations is useful, because as many providers may feel they know the law better than they actually do. It is especially important to contact small apartment owners because a large proportion of units are owned by small owners and they are the least likely to be contacted through regular outreach and education programs.

The Need for Education of Consumers Consumers often do not know when they have been the victims of discrimination. Many consumers are also generally unaware of public and private programs that can assist in finding and financing affordable housing.

The Need for Local Enforcement of Fair Housing Laws The fair housing complaint data in this report show that only a small portion of the complaints received are resolved. Although federal and state agencies are often called in to enforce fair housing laws, the data in this report suggest that expanded local efforts may be needed to address the number of complaints received.

III.B Need for Better Information and Communication on Fair Housing Issues

Confusion About Terminology and Responsibility The terms "fair housing," "affordable housing," and "tenant/landlord disputes" are clearly defined differently and are separate issues. A tenant/landlord dispute can occur in housing that is affordable or housing that is not affordable, and the dispute may or may not infringe on rights to equal opportunity in housing. Likewise, discrimination can affect persons seeking to rent or buy in any price range. However, these three issues may be connected, and, when addressing these concerns, public and private agencies that are responsible for addressing them often find that they overlap. As a result, they can often be confused about who should take responsibility for resolving the problem. Sometimes referrals are made to organizations that are not equipped to handle the problem. Better communication among these organizations would help resolve some of the misunderstandings.

The Need to Get Better Information to Decision Makers Decision makers at many different levels are often faced with difficult decisions that may have fair housing implications. There are two factors that make the need for this information important. First, DuPage continues to grow and its population is becoming more diverse. These trends mean that development and policy decisions are more often going to have fair housing implications. Second, the citizen resistance to affordable housing, to group homes for people with disabilities, and other housing options requires decision makers to sort out a number of claims about the impacts of these proposals. Therefore, a command of the facts about such housing is essential to making the best decisions.

Conflicts Between Code Enforcement and Fair Housing Enforcement It was noted that weak communication has contributed to these types of conflicts. Specifically, there is conflict between: (a) local government seeking to make physical improvements to declining units or to neighborhoods by enforcing codes and ordinances; and (b) neighborhood residents or landlords who may resist these efforts because of concern about how these improvements will impact them. Also, conflicts arise because there is uncertainty about who is responsible for fair housing activities, particularly enforcement of fair housing law. Because local governments in DuPage are not involved in fair housing enforcement, it creates conflicts with the private, state, and federal agencies that carry out enforcement activities.

A typical example is when a municipality receives complaints of overcrowding and substandard living conditions in a rental building. The municipality is obligated to investigate and resolve the complaint. However, the landlord, who stands to lose money as a result of the municipality's action to enforce its ordinances, files a fair housing complaint claiming that the municipality's action is selective enforcement in minority areas. The agency receiving the complaint (which could be a federal agency such as HUD or a local fair housing agency such as HOPE) is also obligated to investigate and resolve complaint. Regardless of whether the complaint has any basis, it absorbs time and money, and, in the interim, the problem goes unresolved. Better, or earlier, communication at critical points in this process, between local government and private sector fair housing agencies, may avoid the problem or help resolve it quicker.

III.C High Demand for Housing and High Cost of Housing

High housing prices, although not strictly a fair housing issue, can constitute a significant barrier to housing choice for households with lower incomes. The data presented in this report show that certain minority groups make up a disproportionate share of lower income households. In addition, we also know that older persons, persons with disabilities, and single parent households are more often lower income. Therefore,

these households are disproportionately affected by higher costs. Below are some of the factors relating to this issue.

High Rate of Growth While the growth rate in DuPage County has decreased significantly in the last decade, demand for housing remains very high while the supply remains very low. This has led to a continued increase in home prices and rents throughout the region. The higher prices are evident in the data. One specific impact of higher costs is that many rental units are priced beyond the range where Housing Choice vouchers can be used. Those units that have lower costs also have lower vacancy-rates, which means that landlords are less inclined to accept the voucher. In the homebuyer market, high prices limit access by households with lower incomes, and the data show that a disproportionate number of these are minority households. The data in this report also show that the job growth rate is higher than population growth, and the largest increases are in low skilled jobs with lower pay. These trends are creating an imbalance between the jobs in the county and the housing that is available. Therefore, there is an unfortunate downside to the strong economy of DuPage County, which is that it makes it more difficult to meet the demand for affordable housing.

Difficulties of First Time and Lower Income Home Buyers Due to high home values in DuPage, these buyers have a difficult time in finding a home. A primary factor is the shortage of lower cost units. First time and low-income home buyers may not have the resources or access to traditional homebuying amenities. H.O.M.E. DuPage, formerly known as DuPage Homeownership Center, provides counseling as well as access to affordable housing resources and lenders who provide mortgages to first time homebuyers.

State and Federal Programs That Are Not Tuned to the Cost Structure of the Suburbs State and federal programs that provide direct subsidies or that provide financing to affordable housing projects do not adequately account for high costs. Federal and state financing programs often have per unit subsidy limits that are lower than the actual costs in DuPage, and the use of locally controlled funding (such as CDBG or HOME funds) to bring these costs down are sometimes not permitted by the underwriting standards of these federal or state programs.

Housing Costs Added by Local Regulations, Taxes, and Fees Zoning, subdivision, and building regulations; property taxes; and impact fees and exactions have an effect on the final price of housing. However, the local laws that add these costs are there to protect the housing consumer by maintaining quality and to fund local services like public education and fire protection. Therefore, it is not difficult to see why there is considerable debate regarding what is necessary and what is not, and whether there are alternative methods of financing some of the services that typically rely on property taxes.

III.D Resistance to Affordable Housing

As noted above, affordable housing is a key component of equal access to housing. The data herein show that African Americans and Hispanics in particular have disproportionately large percentages with lower incomes. Therefore, higher cost housing will disproportionately restrict these households in their housing choice.

Resistance to Change It was noted that some resistance to affordable housing is related to concerns about change in general. Development of any significantly sized parcel of land near existing residential areas in DuPage County is often met with opposition regardless of the nature of the proposal for that parcel.

Emphasis on Low Density Development A national trend in the suburbs, that also exists in DuPage, is an overall preference for low density housing development. Past urban experiences using high densities to meet the demand for lower income housing have often not been successful. These experiences have made the suburbs cautious about density. Therefore, even moderately higher densities, particularly rental housing, are often met with resistance. This resistance can make it more difficult to produce more affordable housing.

Multiple Units of Local Government Because most local governments are small jurisdictions, it is unlikely that each one can achieve a full range of diversity. Regarding housing and jobs issues, there is also a reasonable presumption that the jobs in one jurisdiction can be filled by a labor force that resides elsewhere. On the other hand, jurisdictions with large numbers of affordable units will often resist adding more affordable housing because they feel they have met their responsibility, and it is difficult to create affordable housing opportunities in higher cost communities. These dilemmas suggest the need for higher levels of cooperation among jurisdictions on housing issues.

Analysis of Impediments Action Grid

| Summary of Impediments | Planned Actions | Actual Actions & Documentation |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <p>A. Misunderstandings about the nature of fair housing problems</p> | <p>HOPE Fair Housing will identify and counteract instances of housing discrimination. HOPE will address willful fair housing violations</p> <p>Complete updated survey of municipalities to:</p> <ul style="list-style-type: none"> • Learn more about their housing activities • Update status of their zoning ordinances re: group homes • Update status of their building codes re: ADA accessibility • Status of fair housing ordinances and Human Rights Commissions • Learn about the amount of fair housing complaints received and how they are handled <p>Outreach activities to highlight what constitutes fair housing and to ensure that residents know where to go for information and resolution of complaints. We believe we have many resources in place to obtain justice for our residents, but residents may not always be aware of these resources.</p> | |
| <p>B. Need for better information and communication on fair housing issues</p> | <p>HOPE Fair Housing will maintain an office where residents can go to obtain fair housing and equal opportunity materials and participate in fair housing education activities.</p> <p>HOPE will continue to implement education and outreach programs and will disseminate fair housing</p> | |

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| | <p>literature throughout the county.</p> <p>Work with advocacy groups and municipalities to document how code enforcement activities are affecting fair housing.</p> | |
| <p>C. High demand for housing and high cost of housing</p> | <p>Work toward being more directive about where our Federal dollars are spent. We believe we have excellent geographic distribution of affordable units throughout the county; however, the county is now built out and fewer multi-unit projects will be constructed in the future. We will survey the geographic placement of our current units and identify areas in need of more affordable units. Affordability of housing and fair housing are two separate issues but related in the sense that often the same groups are disenfranchised by each issue.</p> | |
| <p>D. Resistance to affordable housing</p> | <p>Work with municipalities that are not in compliance with the Illinois Affordable Housing Planning and Appeals Act to bring them into compliance.</p> <p>HOPE Fair Housing will counsel complainants who have encountered illegal discrimination of options available to them and provide assistance to complainants in filing administrative complaints, as well as lawsuits, where appropriate.</p> <p>HOPE Fair Housing will maintain its testing program in DuPage County and will be organizationally complainant and initiate administrative complaints and/or lawsuits as appropriate, based upon testing evidence.</p> | |