



Meeting Date: 05 / 11 / 10

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Karl Lawson ^{KL} Agenda Item No. K-1

Reviewed By: City Manager [Signature] City Attorney SMT Finance [Signature] Other (Specify) HRW

DATE: May 2, 2010

TO: City Council

FROM: Bill Wilkins, Director
Housing Department

Handwritten note: James J. Owens
FOR

SUBJECT: Regional Analysis of Impediments to Fair Housing Choice

RECOMMENDATION

That City Council:

1. Receive comments concerning the proposed 2010 Regional Analysis of Impediments to Fair Housing Choice (AI).
2. Direct the Housing Director to prepare an analysis of those recommendations set forth in the AI which may require subsequent Council action.

DISCUSSION

The City of Oxnard is committed to ensuring equal access to housing, opposes discrimination in housing, and supports fair housing for all Oxnard residents. The legal concept of "fair housing" refers to those federal laws which prohibit discrimination in housing based on race, color, religion, sex, familial status, national origin, or disability. It covers all aspects of housing, including the sale, rental, lease or negotiation of real property. In addition to protecting the rights of renters and home seekers, fair housing laws have implications for those local government policies and procedures which regulate the planning and development of residential housing.

The U. S. Department of Housing and Urban Development (HUD) requires all jurisdictions which receive Community Development Block Grant (CDBG) funding to take certain steps to affirmatively further fair housing. As a recipient of CDBG funds, the City is obligated to do the following:

1. Periodically complete an Analysis of Impediments to Fair Housing (AI);

2. Take action to eliminate any identified impediments; and
3. Maintain fair housing records.

Oxnard's current AI was adopted in the year 2003. For the past seven years, the City has contracted with the Housing Rights Center (HRC) for the provision of fair housing counseling and discrimination complaint investigation services, which are provided to Oxnard residents and housing providers. In addition, the HRC presents free seminars on fair housing rights and responsibilities to local tenants, home seekers, and housing providers, as well as to City and Oxnard Housing Authority (OHA) staff.

In the year 2009, Oxnard joined the County of Ventura and several local cities to create a multi-jurisdiction consortium for the production of a regional updated AI. The consulting firm of Veronica Tam and Associates was selected, and in April 2010 submitted a 215-page AI for consideration (Attachment No. 1). This comprehensive AI covers a wide range of data, policies, and procedures throughout Ventura County and the various jurisdictions.

Public participation was essential in the process of producing the AI. Over the course of the past several months, the consultant and City staff aggressively solicited input and participation from stakeholders, policymakers, and advocates in the field of housing (as set forth in Appendix A: Public Outreach of the AI). The May 11, 2010 public hearing before the City Council is but one of several hearings on the AI being conducted by local legislative bodies.

The AI identifies several issues as impediments, some of which are generally applicable throughout the county, and others which are particular to specific jurisdictions. The AI cites four items specific to Oxnard:

1. The HRC did not have a link to City's website;
2. The HRC service contracts with the County and the City do not provide for the HRC to conduct general or regular fair housing testing for the purpose of measuring the incidence of discrimination in housing;
3. The City's reasonable accommodation policy does not explicitly provide for flexibility in the application of rules and regulations governing land use, zoning and other administrative policies which could impact housing for disabled individuals; and
4. While the City's zoning provisions for residential care facilities are in compliance with the State of California's Lanterman Act, the City limits the number of individuals who can occupy larger residential care facilities.

While not necessarily agreeing with the characterization of these four items as impediments to fair housing choice, staff has taken these matters under advisement. Staff concurs that it would be beneficial for the HRC to be linked with the City's website, and has already taken action to obtain the HRC's consent for such a link, in accordance with applicable procedures.

Staff proposes to examine the advisability and feasibility of conducting non-complaint generated housing discrimination testing and report back to Council upon completion of that analysis. Further, Planning Division staff and the City Attorney's office are in the process of drafting a zoning ordinance to adopt reasonable accommodation procedures for persons with disabilities, and expect to present the draft for Planning Commission and Council consideration in the coming months.

Similarly, staff proposes to review the AI recommendations regarding possible modification of the City's reasonable accommodation policy with the appropriate departments and legal counsel, and report back to Council.

In addition to the four Oxnard-specific recommendations, the authors of the AI have included several general public policy recommendations for jurisdictions throughout the County. Those recommendations involve such matters as processes and policies that promote the development of affordable housing, multi-family housing, homeownership, and universal design principles; the de-concentration of residential care facilities; adequacy of bi-lingual services for residents; and state certification of Housing Elements.

While the authors of the AI generally laud Oxnard's efforts and policies with respect to most of these matters, the report makes two recommendations which apply to all jurisdictions in the County, including Oxnard. The authors note that recently-enacted state legislation requires all jurisdictions to permit emergency shelters by right in at least one zone, and to provide for supportive and transitional housing. The authors of the AI recommend that all jurisdictions take steps to implement those requirements. These recommendations are similar to those regarding the reasonable accommodation policy and the Lanterman Act, and are currently being considered in the context of the General Plan and the Housing Element process.

Staff recommends that the Council conduct a public hearing to receive input on the AI, and direct staff to prepare an analysis of any recommendations in the AI which may require further Council action, and report back to Council on those matters. Those items include the recommendations related to fair housing testing, the City's reasonable accommodation policy, residential care facility limits, emergency shelters, and transitional and supportive housing.

FINANCIAL IMPACT

None.

KL/kl

Attachment #1 - 2010 Regional Analysis of Impediments to Fair Housing Choice

Note: Attachment #1 has been provided to the City Council under separate cover. Copies are available for review at the Help Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Friday.