



Analysis of Impediments to Fair Housing Choice

City of Fort Collins, Colorado

FINAL REPORT
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Analysis of Impediments to Fair Housing, City of Fort Collins

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EXECUTIVE SUMMARY

Background

The City of Fort Collins is an entitlement community that receives federal funding directly from the U.S. Department of Housing and Urban Development (HUD) for housing and community development activities. Entitlement communities receiving CDBG and HOME entitlement funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction,
- Promote fair housing choice for all persons,
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin,
- Promote housing that is accessible to and usable by persons with disabilities, and
- Comply with the non-discrimination requirements of the Fair Housing Act.

These requirements can be achieved through the preparation of an Analysis of Impediments to Fair Housing Choice.

Failure to comply with this or other regulatory requirements can jeopardize the City's participation in future federal Community Development Block Grant programs, resulting in the loss of funding for local fair housing and other important community development programs. HUD suggests the City update its Analysis of Impediments to Fair Housing Choice (AI) at least once every 3 to 5 years (consistent with the Consolidated Plan cycle).

Lead Agency

The City of Fort Collins Social Sustainability Department (SSD) is responsible for the preparation and implementation of the AI. Staff from SSD identified and invited numerous stakeholders to participate in the process for the purpose of developing a thorough analysis with a practical set of recommendations to eliminate impediments to fair housing choice, where identified.

Demographic Observations

White is the largest racial group in Fort Collins, followed by Asian. Eleven percent of Fort Collins residents are Hispanic/Latino, similar to the County but a much lower percentage than the state's 22%. The fastest growing minority groups in Fort Collins are Native Hawaiian and

other Pacific Islanders and Black or African Americans. Also, between 2010 and 2018, Hispanic residents increased by over 30%.

There are an estimated 1,047 limited English-speaking households living in Fort Collins. Of those, 555 spoke Asian and Pacific Island languages, 296 were Spanish-speaking, and 196 spoke other Indo-European languages.

The median age in Fort Collins is 29 years. Fort Collins has a lower median age than Larimer County and the state. This is likely due to the student population of Colorado State University. Residents between 20 and 34 years of age account for approximately one-third of Fort Collins' population. However, the age group growing the most is 55 and older.

Also, perhaps a factor of the University, nearly half of all households in Fort Collins include non-family members (unrelated persons living together or individuals living alone). Twenty-five percent of all households in Fort Collins are families with children; 73% married couple families and 27% single parent households.

More than 14,500 residents (9% of total population) 5 years or older are estimated to have a disability. Over 30% of residents with a disability are seniors (65 years or older), and nearly 50% of residents over the age of 75 have a disability.

Summary of 2020 Identified Impediments and Observations

The impediments and observations in this AI were developed through a variety of research methods included demographic and housing market analysis; review of complaints and legal cases; analysis of mortgage lending data; a review of zoning and land use policies; interviews and meetings with stakeholders; as well as surveys of stakeholders and residents.

The impediments and observations described in the following text represent common themes and repeated occurrences found throughout the research. In keeping with HUD's guidance in identifying impediments:

- An “observation” is a fair housing issue that may create an impediment to fair housing choice; however, there is not a direct link to the cause or effect (“nexus”) of the action; and
- An “impediment” has the direct or indirect cause or effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

Impediments. The following impediments to fair housing choice were identified as a result of this study:

Impediment No. 1	Lack of awareness of Fair Housing law
Impediment No. 2	Some discrimination in housing still occurs
Impediment No. 3	Disparities in mortgage lending practices exist
Impediment No. 4	Housing affordability disproportionately impacts people who have lower incomes and/or are members of a protected class, especially persons with disabilities.

Observations. The following observations were identified as a result of this study:

Observation No. 1	Fort Collins has some concentration by ethnicity
Observation No. 2	Land use code and policy updates could improve the housing market for people who are low-income and/or members of a protected class.

Actions to address impediments and concerns. The City has created a Fair Housing Action Plan, which identifies the following actions to be undertaken over the next 5 years:

Actions:

- Strengthen fair housing information, educational and training opportunities.
- Improve the housing environment for people with disabilities.
- Support programs, projects, and organizations that improve housing access and affordability.
- Support efforts to improve residents' establishment and building of credit.
- Continue to evaluate and pursue infrastructure and public amenity equity.
- Pursue public engagement activities to inform Land Use Code and policy updates through Home 2 Health.

SECTION ONE: INTRODUCTION

1.1 Analysis of Impediments Background

The U.S. Department of Housing and Urban Development is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing. HUD's Consolidated Plan¹ regulation (24 CFR 91) requires the City to certify that it is affirmatively furthering fair housing, which means the City must:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis
3. Maintain records reflecting the analysis and actions taken in this regard.

The City of Fort Collins is an entitlement community that receives federal funding directly from the U.S. Department of Housing and Urban Development (HUD) for housing and community development activities. As such, the City has prepared an Analysis of Impediments to Fair Housing Choice (AI) to satisfy the requirements of the Housing and Community Development Act of 1974, as amended. This act requires that any community receiving Community Development Block Grant (CDBG) funds affirmatively further fair housing. As a result, the City of Fort Collins is charged with the responsibility of conducting its CDBG programs in compliance with the federal Fair Housing Act.

Additionally, the City of Fort Collins receives Home Investment Partnerships (HOME) program funds from HUD to which the City's obligation to affirmatively further fair housing is also extended. The responsibility of compliance with the federal Fair Housing Act extends to nonprofit organizations and other entities which receive federal funds through the City of Fort Collins.

In general, the AI involves:

- A comprehensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices.
- An assessment of how those laws, etc. affect the location, availability, and accessibility of housing.

¹ The City is required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year. These reports were prepared separately from the AI and are available from the City.

- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes.
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.

According to HUD, impediments to fair housing choices are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices.
- Any actions, omissions, or decisions that have the effect or restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

HUD clarifies that lack of “affordable housing, in and of itself, is not an impediment to fair housing unless it creates an impediment to housing choice because of membership in a protected class.”

HUD further defines fair housing choice as “the ability of persons of similar incomes to have available to them the same housing choices regardless of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but operate to deny or adversely affect the provisions of housing to persons (in any particular protected class) may constitute such impediments.” An inclusive community is one in which all people have access to quality housing, education, employment opportunities, health care, and transportation.² HUD seeks, through its strategies to affirmatively further fair housing choice, that jurisdictions ensure open, diverse, and equitable communities as well as expand families’ choice of affordable rental homes located in a broad range of communities.

Unique requirements of AIs. HUD’s Fair Housing Planning Guide, Volume 1, recommends how jurisdictions should approach completing the AI. Subsequent HUD guidance and language in Notices of Funding Availability (NOFAs) and Voluntary Compliance Agreements (VCAs) provide additional direction on how to approach specific AI tasks. Because some of the AI tasks differ from what might be done in a traditional housing needs assessment, the reasons for the more unique aspects of AIs are clarified below.

Disproportionality analysis. HUD has expressed increasing interest in understanding if protected classes are disproportionately served by assisted housing providers relative to their income-adjusted representation in a community as a whole. For example, a very high proportion of residents of one race or ethnicity occupying public housing may indicate that they are having difficulty—because of discrimination or other factors—finding housing in the private sector.

² 2010 - 2015 HUD Strategic Plan

Distribution and quality of municipal services. As part of their efforts to “affirmatively further fair housing choice,” jurisdictions should ensure that residents have equal access to community amenities that contribute to their enjoyment of their homes and living environment. It would be a discriminatory practice for a jurisdiction to deliver a lower level of public services (e.g., trash pickup, parks maintenance) to a neighborhood that is ethnically concentrated. In the Fort Collins AI, stakeholders were asked to rate and comment on the distribution of community services in the City.

Lending practices. HUD also requires a review of private practice activities related to the rental and sale of housing in AIs. Home Mortgage Disclosure Act (HMDA) data are the best source to identify housing mortgage lending practices and how they differ by race and ethnicity. HMDA data do not contain all the variables that are used in the lending decision, however, so the data can only provide an indication of lending disparities. Cultural practices in maintaining revolving credit (an important factor in evaluating creditworthiness), for example, may be the reason that certain borrowers have higher rejection rates than others.

1.2 Fair Housing Choice

Equal and free access to residential housing (housing choice) is a fundamental right that enables members of the protected classes to pursue personal, educational, employment or other goals. Because housing choice is so critical to personal development, fair housing is a goal that government, public officials, and private citizens must embrace if equality of opportunity is to become a reality.

Under federal law, fair housing choice is defined as the ability of persons, regardless of race, color, religion, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

This Analysis encompasses the following five areas related to fair housing choice:

- The sale or rental of dwellings (public and private),
- The provision of financing assistance for dwellings,
- Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of publicly assisted housing,
- The administrative policies concerning community development and housing activities, which affect opportunities of minority households to select housing inside or outside impacted areas, and 8 Colorado Springs, Colorado Analysis of Impediments to Fair Housing Choice

- Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by the U.S. Department of Housing and Urban
- Development (HUD) relative to assisted housing in a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to remedy the discriminatory condition, including actions involving the expenditure of funds made available under 24 CFR Part 570 (i.e., the CDBG program regulations) and/or 24 CFR Part 92 (i.e., the HOME program regulations).

As a federal entitlement community, the City of Fort Collins has specific fair housing planning responsibilities. These include:

- Conducting an Analysis of Impediments to Fair Housing Choice.
- Developing actions to overcome the effects of identified impediments to fair housing.
- Maintaining records to support the City's initiatives to affirmatively further fair housing.

HUD interprets these three certifying elements to include:

- Analyzing housing discrimination and working toward its elimination,
- Promoting fair housing choice for all people,
- Providing racially and ethnically inclusive patterns of housing occupancy,
- Promoting housing that is physically accessible to, and usable by, all people, particularly
- individuals with disabilities, and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

1.3 Fair Housing Act and Ordinance

Federal Fair Housing Act. The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability. The Fair Housing Act covers most housing including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. The Fair Housing Act also provides procedures for handling individual complaints of discrimination. Excluded from the Act are owner-occupied building with no more than four units, single family housing sold or rented by owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members, and housing for older person.³ A person who identifies as LGBTQ who has experienced (or is about to experience) discrimination under any of these bases may file a complaint with HUD. HUD is

³ <https://www.justice.gov/crt/fair-housing-act-1>

committed to investigating violations of the Fair Housing Act against all individuals regardless of their sexual orientation.

HUD has the primary authority for enforcing the Fair Housing Act. HUD investigates the complaints it receives and determines if there is a “reasonable cause” to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).⁴

Colorado Fair Housing Laws. The Colorado Department of Local Affairs, Division of Housing is committed to affirmatively furthering Fair Housing. The State of Colorado has a state law that prohibits housing discrimination (2016 Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices).⁵ The state law offers the same protections as the Fair Housing Act, in addition to providing protections based on marital status, creed, and ancestry.

City Ordinance. Section 13-18 of the City’s Municipal Code prohibits discriminatory housing practices in the City of Fort Collins. Protected classes under the city ordinance include sex, national origin, familial status (including children under 18), race, ancestry, disability, sexual orientation, color, creed, marital status, or retaliation for opposing a discriminatory practice. The ordinance specifies that complaints are taken and investigated by the City Manager.

1.4 Colorado Civil Rights Act

In addition to federal protections (which apply to workers in all states), the Colorado Civil Rights law also prohibits discrimination against individuals on the basis of sexual orientation and marriage to a co-worker. These protections extend to employment, housing, and public accommodations. The state’s sexual orientation protections extend to bisexuals and transgendered individuals as well as gays and lesbian.

1.5 Methodology

The City of Fort Collins’s Social Sustainability Department (SSD) conducted this report and is responsible for leading the coordination of this document. Staff time and other costs related to the development of this report were funded with program administration funds allocated for fair housing and general administration and planning under the Community Development Block Grant (CDBG).

The information provided in this report was directed by HUD guidance in the *Fair Housing Planning Guide, Volume 1*. The following sources were utilized:

⁴ “How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws”, The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

⁵ See <http://advisorfinaancialservices.com/ColoradoCivilRightsStatutes.pdf>

- The most recently available demographic data regarding population, household, housing, income, and employment at the census tract, city, county, and/or state level
- Public policies affecting the siting and development of housing
- Administrative policies concerning housing and community development
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database
- Agencies that provide housing and housing related services to members of the protected classes
- The City's Consolidated Plan, Annual Plans, 2020 Gaps Analysis, and CAPERs
- The 2017 Analysis of Impediments to Fair Housing Choice
- Fair housing complaints filed with HUD
- Surveys (both public and stakeholder) conducted with agencies and organizations that provide housing and housing-related services to members of the protected classes.

Public Participation. The public input portion of the AI included the following elements:

- A paper and online resident survey offered in Spanish and English—53 residents responded.
- A paper and online stakeholder survey—55 stakeholders responded.

Zoning, land use and housing policy review. Social Sustainability staff reviewed the City's land use and zoning codes for barriers to housing choice.

Analysis of demographics, housing and lending data. Data on mortgage lending approvals, subprime mortgages (from the Home Mortgage Disclosure Act of HMDA data), income distribution, race and ethnicity, disability and affordable housing opportunities, recent legal cases and fair housing complaints were analyzed to detect potential discriminatory patterns.

Identification of impediments. Social Sustainability staff compiled the fair housing concerns identified through public participation, data analysis and review of land use policies into impediments to fair housing choice.

Actions to address past and current impediments. Social Sustainability staff worked to develop a recommended Fair Housing Action Plan (FHAP) for the City to use to address identified impediments.

SECTION TWO: COMMUNITY PROFILE

This section provides a community and housing profile for the City of Fort Collins. It includes the race/ethnicity and income concentration maps required by HUD for Als, as well as a “disproportionality analysis” of residents served by public housing.

Data sources for this section include the following:

- 2010 Census
- 2010 American Community Survey (ACS)
- 2015 American Community Survey (ACS), 5-year estimate
- 2017 American Community Survey (ACS), 1-year estimate & 5-year estimate
- 2018 American Community Survey (ACS), 1-year estimate & 5-year estimate
- The City of Fort Collins Affordable Housing Strategic Plan
- The City of Fort Collins Comprehensive Plan (Fort Collins *City Plan*)
- The City of Fort Collins Social Sustainability 2020 Gaps Analysis
- The City of Fort Collins 2020-2024 Consolidated Plan

2.1 Demographic Analysis

Population Trends. Fort Collins is located in north-central Colorado in Larimer County, about 65 miles north of Denver, Colorado’s State Capital. The City of Fort Collins is currently the county seat and most populous city in Larimer County. With a 2018 population estimated to be 167,823 residents, Fort Collins is the fourth most populous city in Colorado. Fort Collins’ population accounts for 48% of Larimer County’s population.

Population trends in Fort Collins over the past nearly three decades indicate major growth. Between 1990 and 2010, the city’s population increased by an estimated 37%, a slightly higher growth rate as the State of Colorado. Between 2010 and 2018, the city’s growth rate slowed to an estimated 16%—a comparable growth rate as Larimer County and higher growth rate than Colorado as a whole.

Figure II-1 provides a summary of population trends in Fort Collins, Larimer County, and the State of Colorado.

Figure II-1. Population Growth, 2018 (estimated)								
	1990	2000	2010	2015 (est)	2018 (est)	Total Growth Rate 1990-2000	Total Growth Rate 2000-2010	Total Growth Rate 2010-2018
Fort Collins	87,491	120,236	144,417	153,292	167,823	37%	20%	16%
Larimer County	186,136	253,088	300,637	318,227	350,518	36%	19%	17%
Colorado	3,294,473	4,338,801	5,050,870	5,278,906	5,695,564	32%	16%	13%
<i>Source: 1990, 2000, 2010 U.S. Census Bureau; 2015 ACS 5-yr estimate, 2018 ACS 1-yr estimate</i>								

Race and ethnicity. It should be noted that Census data on race and ethnic identification vary with how people choose to identify themselves. The U.S. Census Bureau treats race and ethnicity separately; the Bureau does not classify Hispanic/Latino as a race, but rather as an identification of origin and ethnicity.

Data from the 2018 ACS identifies White (86%) as the largest racial group in Fort Collins, followed by Asian (at a much lower 3%). Eleven percent of Fort Collins residents were Hispanic, comparable to 12% in Larimer County and much lower than 22% for the state as a whole. Between 2010 and 2018, the fastest growing minority groups were Native Hawaiian and Other Pacific Islanders (48%) and Black or African Americans (48%). From 2010 – 2018, Hispanic residents increased by an estimated 31%, a decrease compared to the 40% increase from 2000-2010.

Figure II-2 Race and Ethnicity, 2018 (estimated)										
	2000		2010		2015 (est)		2018 (est)		Percent Change, 2000-2010	Percent Change, 2010-2018
	#	%	#	%	#	%	#	%		
Race										
American Indian and Alaska Native	715	1%	933	1%	847	1%	1,383	1%	30%	48%
Asian	2,948	2%	4,222	3%	4,554	3%	5,578	3%	43%	32%
Black or African American	1,213	1%	1,740	1%	2,116	1%	2,579	2%	43%	48%
Native Hawaiian and Other Pacific Islander	143	0%	128	0%	190	0%	167	0%	-10%	30%
White	106,347	90%	128,211	89%	136,726	89%	144,533	86%	21%	13%
Some other race	4,281	4%	4,339	3%	2,975	2%	2,572	2%	1%	-41%
Two or more races	3,005	3%	4,413	3%	5,884	4%	5,699	3%	47%	29%
Ethnicity										
Hispanic or Latino	10,402	9%	14,572	10%	17,194	11%	19,077	11%	40%	31%
Non-Hispanic White	101,384	85%	119,695	83%	124,563	81%	134,197	80%	18%	12%
Total population	118,652		143,986		153,292		167,823		21%	17%
<i>Source: 2000 and 2010 U.S. Census, 2015 ACS 5-Year Estimates, 2018 ACS 5-Year Estimates</i>										

Race and ethnic concentrations. One of the key components of fair housing analysis is an examination of the concentration of racial and ethnic minorities within a jurisdiction to detect evidence of segregation. In some cases, minority concentrations are a reflection of preferences – e.g., minorities may choose to live where they have access to grocery stores or restaurants that cater to them. In other cases, minority populations are intentionally steered away or discouraged from living in certain areas. Housing prices also heavily influence where minorities live.

The following map displays the geographic distribution of residents by race and ethnicity in Fort Collins. Concentration analysis was done for the Hispanic population.

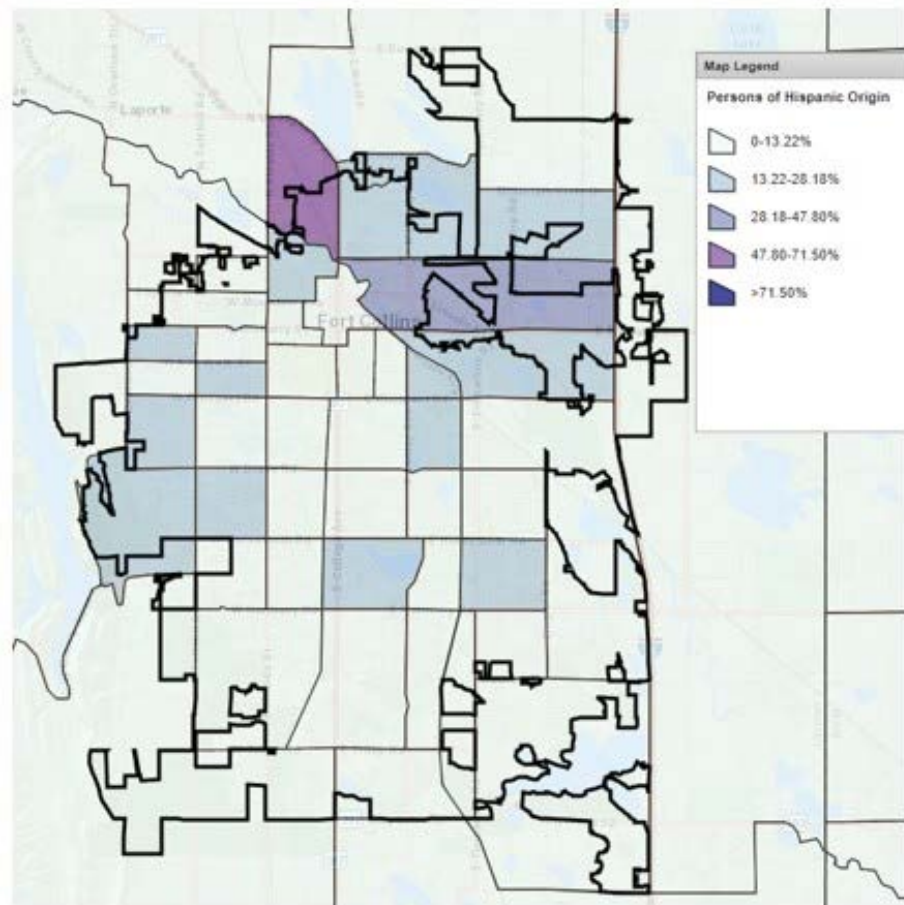
For the purposes of this study, concentrations represent areas where persons of a particular race or ethnicity comprise a larger proportion of the population than the community overall. To align with HUD’s definition of “disproportionate need,” concentration occurs when the percentage of residents of a particular racial or ethnic group is 20 percentage points or more than the community-wide average. Since the overall Hispanic population in Fort Collins is estimated to be 11%, a block group that is at least 30% Hispanic contains a concentration.

The City of Fort Collins recognizes that there is a concentration of people of Hispanic/Latino origin in three contiguous neighborhoods on the north part of town, known collectively as Tres Colonias. These are historically Hispanic/Latino neighborhoods with a vibrant history and culture. Residents are actively mobilized against gentrification in these neighborhoods and the City is working with them for culturally and community informed improvements, such as gutters, sewers, sidewalks and neighborhood parks. Residents of these neighborhoods have continuing concerns about displacement due to escalating housing costs and developments.

Figure II-3 on the next page shows where concentrations of persons of Hispanic descent occur in Fort Collins.

Figure II-3 Percent of Block Group Population that is Hispanic, City of Fort Collins, 2018

Source: Source: 2018 ACS 5-year estimates



Source: HUD CPD Maps, <https://egis.hud.gov/cpdmaps/>

Linguistic Isolation. Linguistic isolation is defined by the U.S. Census Bureau as living in a household in which all members aged 14 years and older speak a non-English language and also speak English less than “very well” (i.e., have difficulty with English). In 2018 there were an estimated 1,047 limited English-speaking households (1.6%) living in Fort Collins. Of those limited English-speaking households, 555 spoke Asian and Pacific Island languages, 296 were Spanish-speaking, and 196 spoke Other Indo-European languages.

Age. The median age in Fort Collins is 29 years, slightly up from the median age of 29 in 2012. Fort Collins has a lower median age than that of Larimer County (36) and Colorado (37). This is likely due to the student population of Colorado State University. As displayed in Figure II-4, residents between 20–34 years of age account for approximately one-third of Fort Collins’ population. The age cohort that experienced the most substantial growth between 2010 and 2018 was residents age 55 and older.

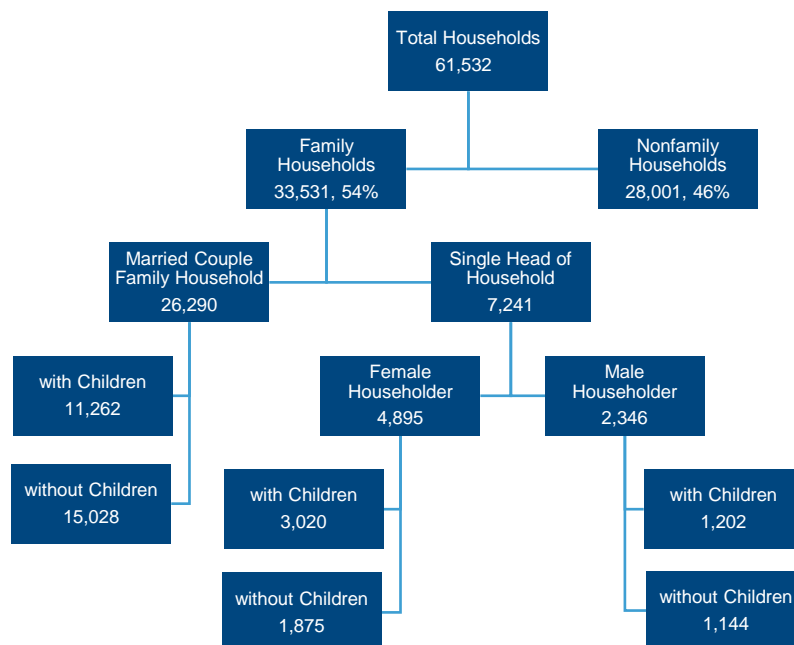
Figure II-4 Distribution of Population by Age, City of Fort Collins, 2018 (estimated)										
	2000		2010		2015 (est)		2018 (est)		Percent Change, 2000-2010	Percent Change, 2010-2018
	#	%	#	%	#	%	#	%		
Under 5 years	7,001	6%	8,251	6%	8,278	5%	8,447	5%	18%	2%
5 to 19 years	25,669	22%	28,815	20%	21,308	14%	31,917	19%	12%	11%
20 to 24 years	19,036	16%	22,429	16%	26,520	17%	27,883	17%	18%	24%
25 to 34 years	20,107	17%	24,295	17%	25,293	16%	27,693	17%	21%	14%
35 to 54 years	31,140	26%	34,232	24%	34,184	22%	35,409	21%	10%	3%
55 to 64 years	6,369	5%	13,324	9%	14,869	10%	16,011	10%	109%	20%
65 years and over	9,330	8%	12,640	9%	14,409	9%	18,011	11%	35%	42%
Total population	118,652		143,986		153,292		167,823		21%	17%
<i>Source: 2000 and 2010 U.S. Census, 2015 ACS 5-Year Estimates, 2018 ACS 5-Year Estimates</i>										

Household Composition. In 2018, 46% of households in Fort Collins were non-family households, which include unrelated persons living together or individuals living alone. Twenty-five percent of all households in Fort Collins were families with children. Of these 15,484 households with children, 73% were married couple families and 27% were single parent households.

Figure II-5 Household Composition, City of Fort Collins, 2018

Note: Due to rounding, percentages may not appear to aggregate correctly.

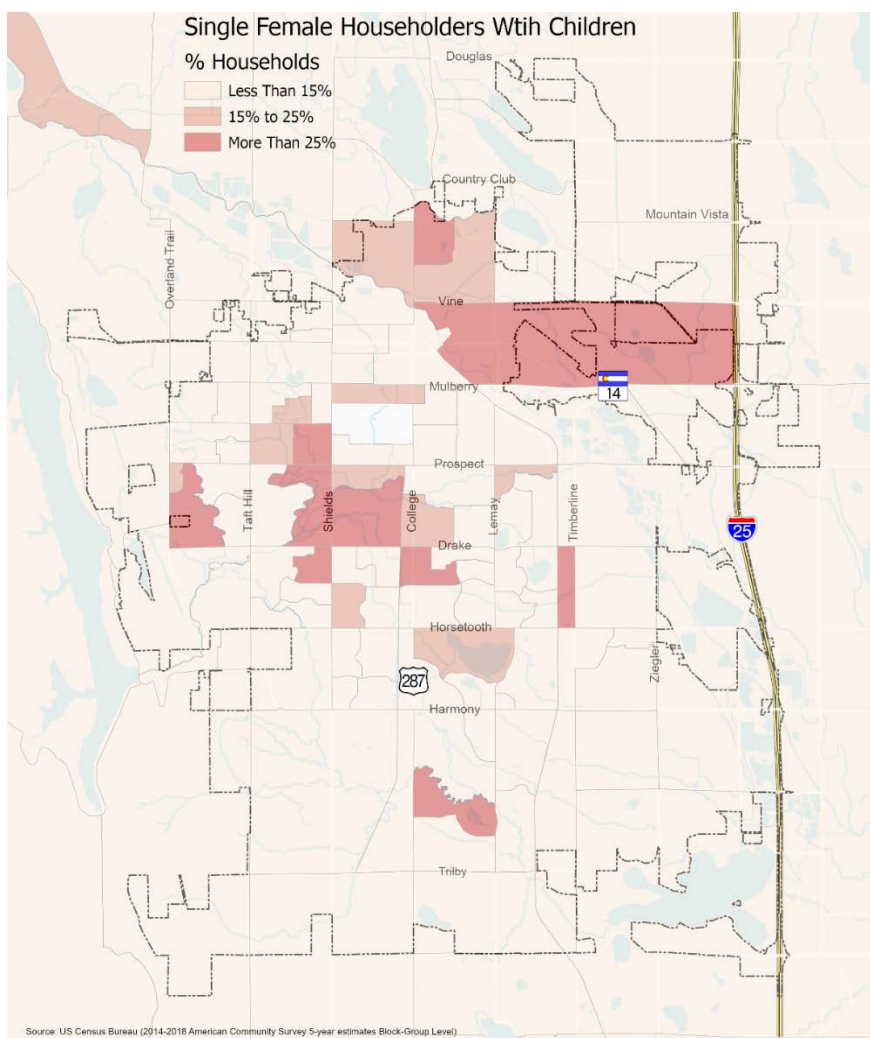
Source: Source: 2018 ACS 5-year estimates



Single parent households—especially those with single mothers—have some of the highest rates of poverty in most communities. As such, they have needs for social services (childcare, transportation) and affordable housing. Familial status is also a protected class under fair housing law and, in many communities, one of the most common reasons for fair housing complaints. Single parent households are therefore vulnerable to fair housing discrimination and often have fewer choices in the housing market because of their lower income levels.

Approximately 5% of all households in Fort Collins are female-headed households with children (down from 8% in 2010). Figure II-6 shows concentrations of female-headed, single parent households in Fort Collins.

Figure II-6 Single Female Householders with Children, City of Fort Collins, 2019
Source: Source: 2018 ACS 5-year estimates, City of Fort Collins GIS



2.2 Disability Analysis

During the past 40 years, the accepted definitions of disability have been changing alongside shifting attitudes and perceptions about people with disabilities. Under Fair Housing Act Amendments, disability is defined as having a physical or mental impairment that substantially limits one (or more) major life activities. According to the Census, a person is considered to have a disability if they report one or more of the following: hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and/or independent living difficulty.

Persons with disabilities may require housing that has accessibility features, is near public transit and supportive services, and is affordable if their ability to work is limited. Persons with disabilities are also at greater risk of experiencing housing discrimination, often due to lack of knowledge about laws governing accommodations for persons who are disabled.

More than 14,500 residents (9% of total population) 5 years or older were estimated to have a disability in 2018. Over 30% of residents with a disability are seniors (65 years or older), and nearly 50% of those over the age of 75 have a disability.

Figure II-7. Disability Status for the Population 5 Years Old or More, 2018 (estimated)			
	Total Population	Population with a Disability	Percent with a Disability
Population 5 years or older	158,786	14,530	9%
5 to 17 years	23,496	903	4%
18 to 34 years	67,126	4,077	6%
35 to 64 years	50,651	4,194	8%
65 to 74 years	11,748	2,623	22%
75 years and over	5,765	2,733	47%
<i>Source: 2018 ACS 1-yr estimate</i>			

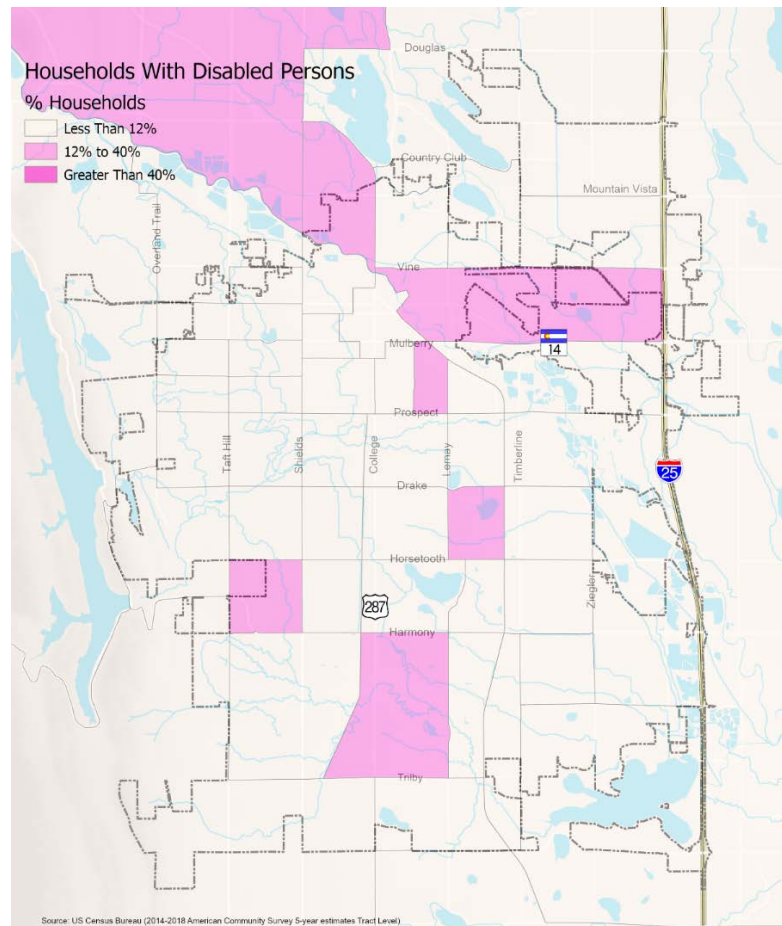
Figure II-8 shows the disability characteristics of the Fort Collins population living with one more disability. Ambulatory difficulty, such as having serious difficulty walking or climbing stairs, is the most common disability identified. The second highest identified disability in Fort Collins is cognitive difficulty which can be defined as having difficulty remembering, concentrating, or making decisions. Persons with mental health challenges may require supportive services tailored to their individual needs. Currently, Fort Collins has an insufficient number of mental health facility beds to accommodate the community need. However, a new tax-payer funded mental health facility is in development which will provide an additional 64 beds for people requiring inpatient treatment.

Figure II-8. Population and Disability Characteristics, 2018 (estimated)	
Disability Characteristic	Population
With a hearing difficulty	4,510
With a vision difficulty	1,895
With a cognitive difficulty	4,897
With an ambulatory difficulty	4,991
With a self-care difficulty	1,449
With an independent living difficulty	3,382
People with a mental health disorder disability	3,544
<i>Source: 2018 ACS 1-yr estimate</i>	

Figure II-9 uses 2018 Census data at the Census Tract level to examine geographic concentrations of persons with disabilities in the city. The map shows census tracts in which 12% or more of households have at least one member with a disability. The contiguous tracts along Hwy 14/Mulberry Corridor coincide with tracts with 25% or more of households headed by single females.

Figure II-9 Percent of Households with Disabled Persons, City of Fort Collins, 2019

Source: Source: 2018 ACS 5-year estimates, City of Fort Collins GIS



2.3 Income Analysis

Income and poverty. The median household income for Fort Collins was estimated to be \$65,635 in 2018 — lower than both Larimer County (\$71,091) and the state of Colorado (\$71,953). The large proportion of student households is the likely cause of the lower MHI in Fort Collins. Figure II-10 shows the median household income for 2000, 2010, and 2018.

Figure II-10 Median Household Income for City of Fort Collins, Larimer County, and Colorado, 2018 (estimated)					
	<u>2000</u>	<u>2010</u>	<u>2018 (est)</u>	Percent Change, 2000-2010	Percent Change, 2010-2018
Fort Collins	\$44,459	\$47,752	\$65,635	7%	37%
Larimer County	\$48,655	\$54,154	\$71,091	11%	31%
Colorado	\$47,203	\$54,046	\$71,953	14%	33%
Source: 2000 and 2010 U.S. Census, 2018 ACS 1-Year Estimates					

Distribution of Income. Figure II-11 displays the income distribution for Fort Collins in 2000, 2010, 2015 (estimated) and 2018 (estimated). Approximately 17% of all households are earning less than \$25,000 annually (a decline from 25% in 2010) and nearly half earn less than \$50,000 per year. Again, some of this effect may be due to the large student population.

Figure II-11 Household Income Distribution, 2018 (estimated)								
	<u>2000</u>		<u>2010</u>		<u>2015</u>		<u>2018</u>	
	#	%	#	%	#	%	#	%
Less than \$25,000	12,594	28%	13,554	25%	14,022	24%	10,070	17%
\$25,000 to \$34,999	5,438	12%	5,815	11%	5,126	9%	8,406	14%
\$35,000 to \$49,999	7,409	16%	9,129	17%	7,954	14%	10,396	18%
\$50,000 to \$74,999	9,031	20%	10,069	18%	9,898	17%	13658	23%
\$75,000 to \$99,999	5,614	12%	6,793	12%	7,836	13%	5,474	9%
\$100,000 or more	5,683	12%	9,629	18%	14,082	24%	10,681	18%
Total households	45,769		54,989		58,918		58,685	
Source: 2000 and 2010 U.S. Census, 2015 ACS 5-Year Estimates, 2018 ACS 1-Year Estimates								

Income by Race and Ethnicity. Figure II-12 displays the income distribution for Fort Collins in 2000, 2010, 2015 (estimated) and 2018 (estimated). According to the 2018 ACS, non-Hispanic whites had the highest median household income (\$66,351) in 2018. Black/African American households earning less than \$25,000 decreased from 31% in 2010 to 17% in 2018. Black/African American households earning more than \$150,000 increased from 6% in 2010 to 15% in 2018. Both Hispanic and Asian households earning less than \$25,000 also decreased from 33% (2010) to 22% (2018) and 33% (2010) to 31% (2018), respectively.

Figure II-12								
Household Income Distribution by Race / Ethnicity, 2018 (estimated)								
	Non-Hispanic White		Black or African American		Asian		Hispanic or Latino	
	2010	2018	2010	2018	2010	2018	2010	2018
Less than \$25,000	25%	19%	31%	17%	33%	31%	33%	22%
\$25,000 to \$34,999	10%	9%	7%	18%	9%	4%	14%	14%
\$35,000 to \$49,999	13%	13%	21%	10%	9%	10%	19%	7%
\$50,000 to \$74,999	17%	17%	6%	24%	11%	16%	18%	23%
\$75,000 to \$99,999	12%	13%	12%	6%	8%	9%	7%	12%
\$100,000 to \$149,000	14%	16%	17%	9%	16%	18%	4%	13%
\$150,000 or more	8%	13%	6%	15%	13%	12%	4%	10%
Median Household Income	\$52,055	\$66,351	\$44,482	\$51,233	\$45,104	\$58,505	\$35,989	\$51,404
<i>Source: 2010 U.S. Census, 2018 ACS 1-Year and 5-Year Estimates</i>								

Percent of residents living in poverty. In 2018, over 25,000 residents of Fort Collins were living in poverty. Poverty rates were highest in Native Hawaiian and Other Pacific Islander (62%), followed by resident of some other race (29%).

Figure II-13 Poverty by Race and Ethnicity, 2018 (estimated)						
	Total Population	<u>2010</u> Number Below Poverty	Percent Below Poverty	Total Population	<u>2018 (est)</u> Number Below Poverty	Percent Below Poverty
Total	133,374	23,960	18%	159,273	25,419	16%
Race						
American Indian and Alaska Native	938	120	13%	1,278	315	25%
Asian	3,948	823	21%	5,142	1,033	20%
Black or African American	1,379	526	38%	2,312	519	22%
Native Hawaiian and Other Pacific Islander	87	56	64%	92	57	62%
White	119,266	20,313	17%	137,385	22,139	16%
Some other race	3,474	1,185	34%	2,458	723	29%
Two or more races	4,282	937	22%	5,493	1,075	20%
Ethnicity						
Hispanic or Latino	13,109	3,546	27%	18,466	3,969	21%
Non-Hispanic White	111,425	18,495	17%	123,833	19,206	16%
<i>Source: 2000 and 2010 U.S. Census, 2018 ACS 5-Year Estimates</i>						

Of the three age ranges provided in Figure II-14, poverty is highest for residents aged 65 years and over.

Figure II-14 Age Distribution of Residents Living in Poverty, 2018 (estimated)						
	Total Population	<u>2010</u> Number Below Poverty	Percent Below Poverty	Total Population	<u>2018 (est)</u> Number Below Poverty	Percent Below Poverty
Under 18 years	28,773	3,706	13%	29,989	2,958	10%
18 to 64 years	96,124	20,547	21%	111,771	20,586	18%
65 years and over	12,414	735	6%	2,312	519	22%
<i>Source: 2000 and 2010 U.S. Census, 2018 ACS 5-Year Estimates</i>						

Figure II-15 shows concentrations of poverty in Fort Collins using 2018 ACS data. Residents in poverty are mostly in the northwest quadrant of the city. The areas of highest poverty coincide with areas of higher student populations.

Figure II-15 Percent of Population with Income Below Poverty Level, City of Fort Collins, 2019

Source: Source: 2018 ACS 5-year estimates, City of Fort Collins GIS

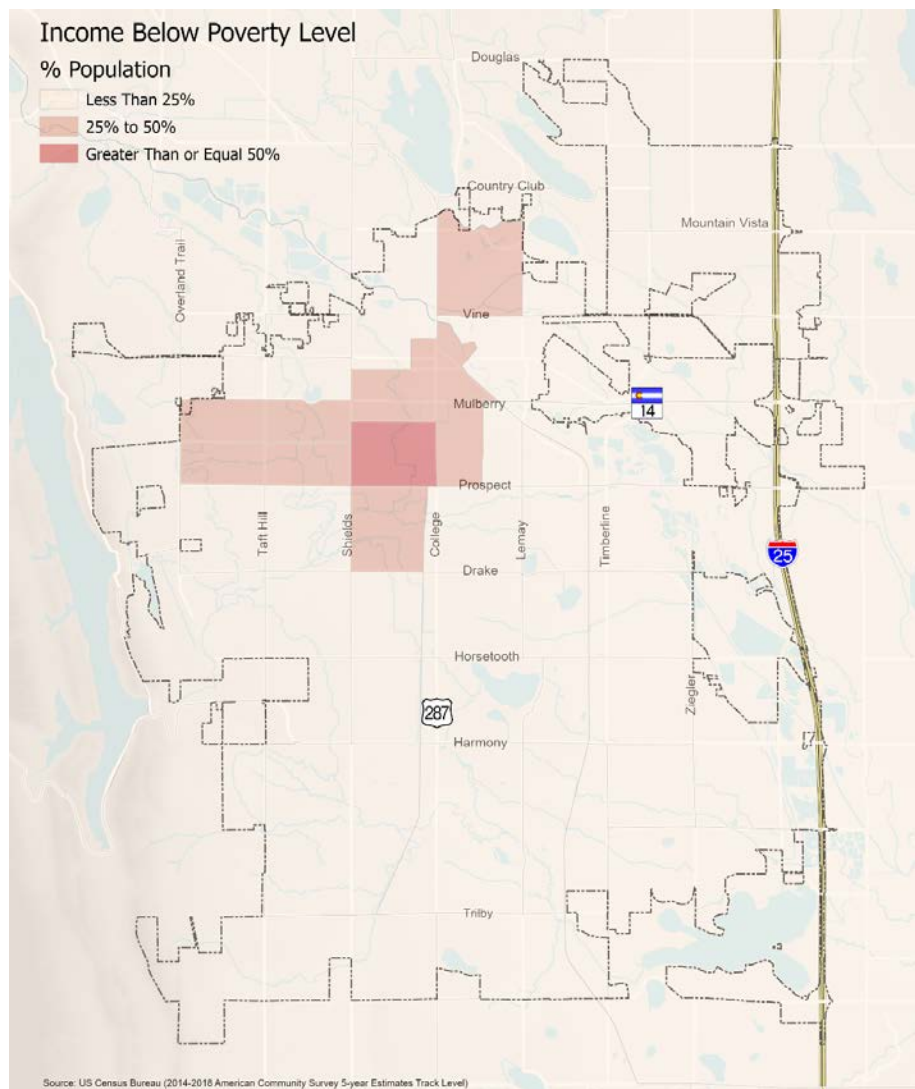
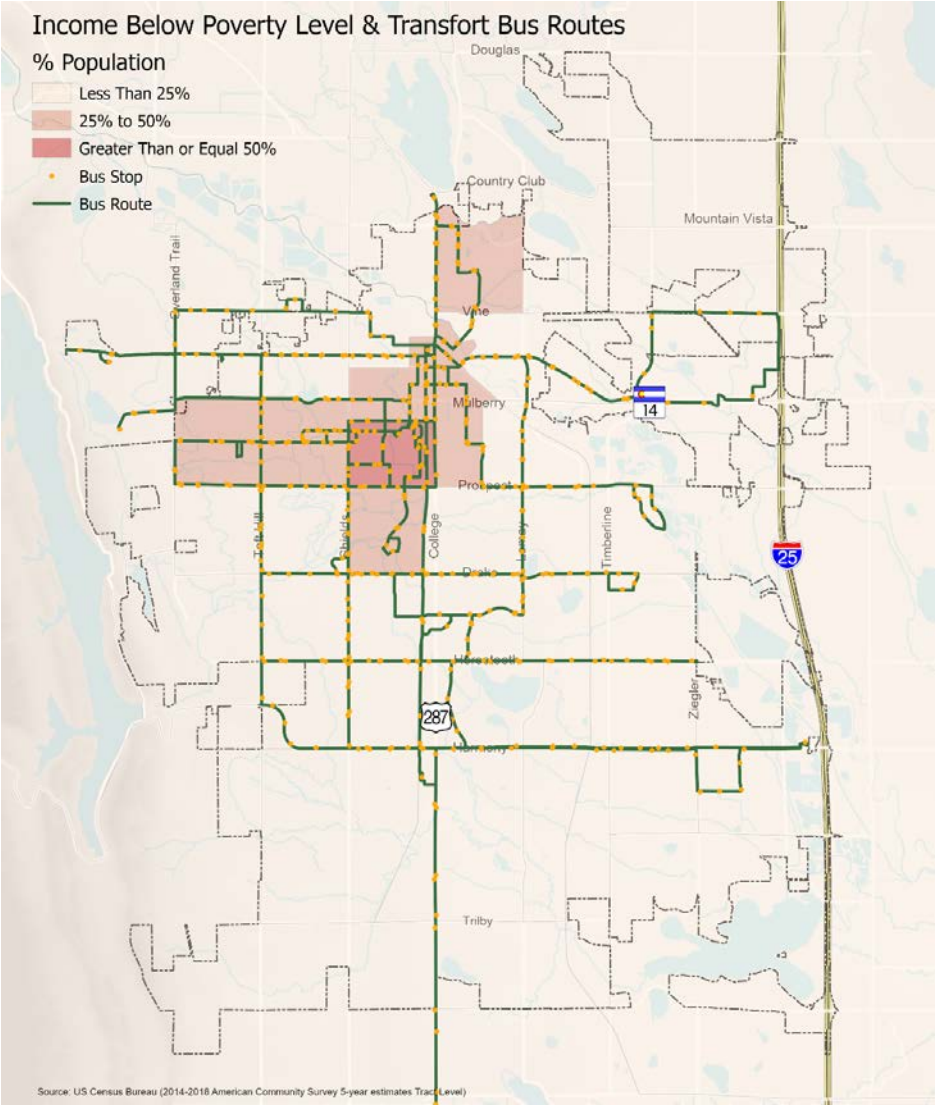


Figure II-16 shows the overlay of Transfort fixed route services with low income concentrations. The lowest income areas are well-served by the public transportation system.

Figure II-16 Percent of Households with Income Below Poverty Level & Transfort Bus Routes, City of Fort Collins, 2019

Source: Source: 2018 ACS 5-year estimates, City of Fort Collins GiS



2.4 Employment Analysis

Educational attainment. Relative to national and state averages, the City of Fort Collins is very well educated. Over half of residents over the age of 25 are college graduates and one in five residents has a graduate or professional degree.

Figure II-17.1: Educational Attainment for the population 25 years and over, City of Fort Collins, 2017 (estimated)

Source: 2017 ACS 1-year estimate

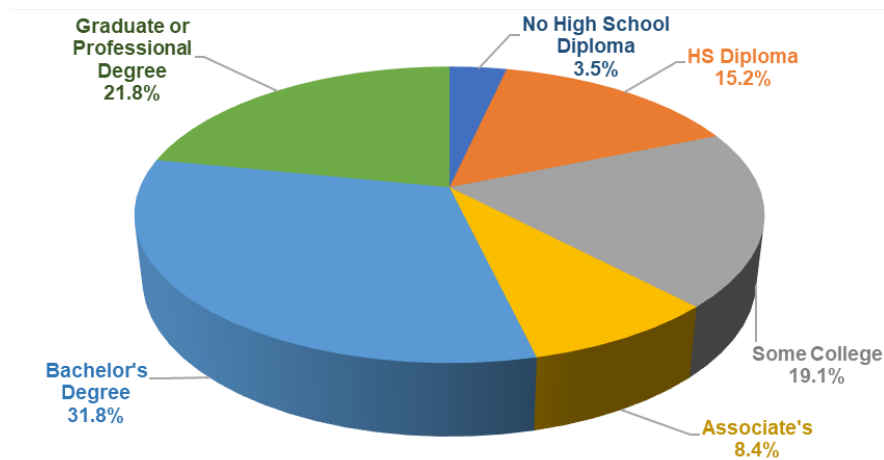
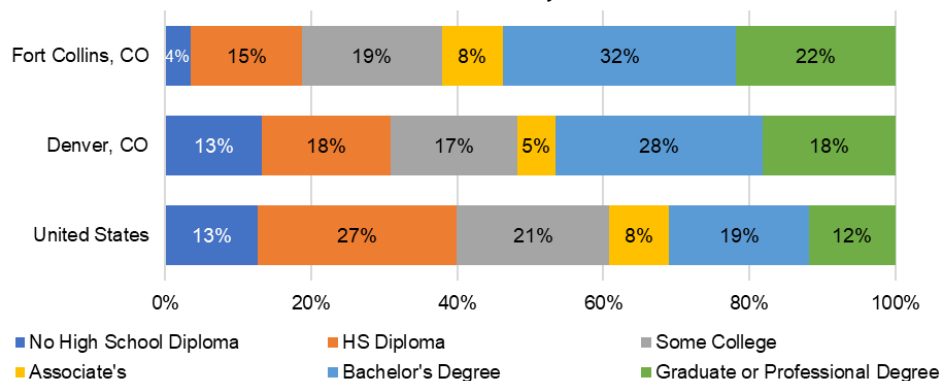


Figure II-17.2: Educational Attainment for the population 25 years and over, City of Fort Collins, Denver, United States, 2017 (estimated)

Source: 2017 ACS 1-year estimate

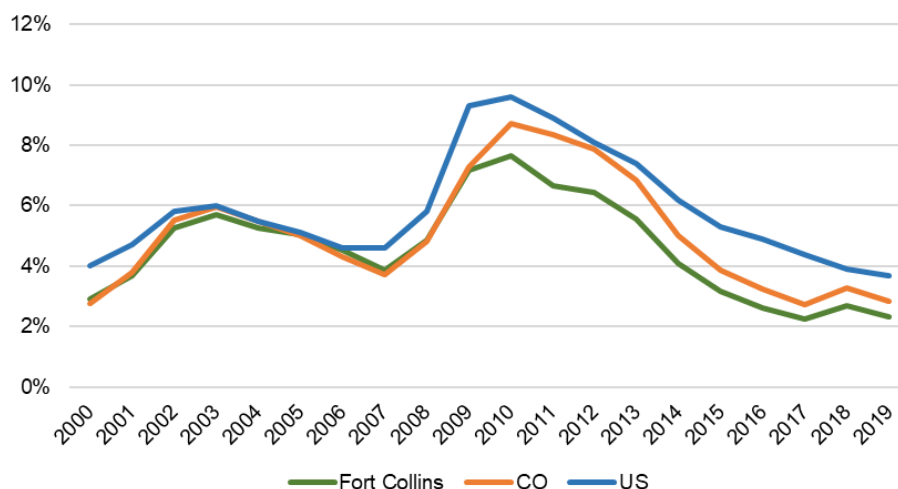


Unemployment rates. Over the past decade, Fort Collins's average unemployment rate was lower than the national average and lower than the State of Colorado as a whole. Along with most communities, Fort Collins's unemployment rate rose sharply in 2008 and 2009. At its height in 2010, Fort Collins's unemployment rate (7.7%), yet was still below the rate for Colorado (8.7%) and the U.S. (9.6%).

Source: Bureau of Labor Statistics, average of monthly unemployment rates

Figure II-18.1: Unemployment Rates, City of Fort Collins, Colorado, and United States, 2000-2009

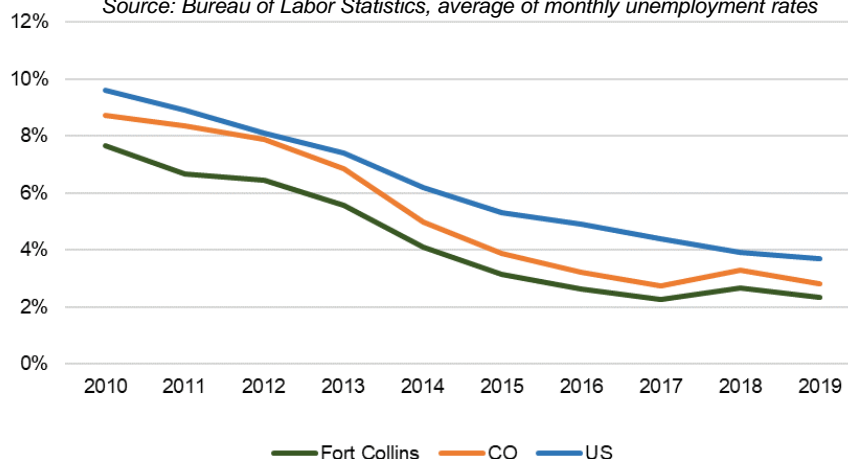
Source: Bureau of Labor Statistics, average of monthly unemployment rates



The current unemployment rate across the country has decreased to far below pre-recession rates. Ideal unemployment rate is ~4%, while Fort Collins current rate is 2.3%. Additionally, Fort Collins is within the top 10 in the nation in underemployment—many residents are working below their education levels or are leaving to find gainful employment.

Figure II-18.2: Unemployment Rates, City of Fort Collins, Colorado, and United States, 2010-2019

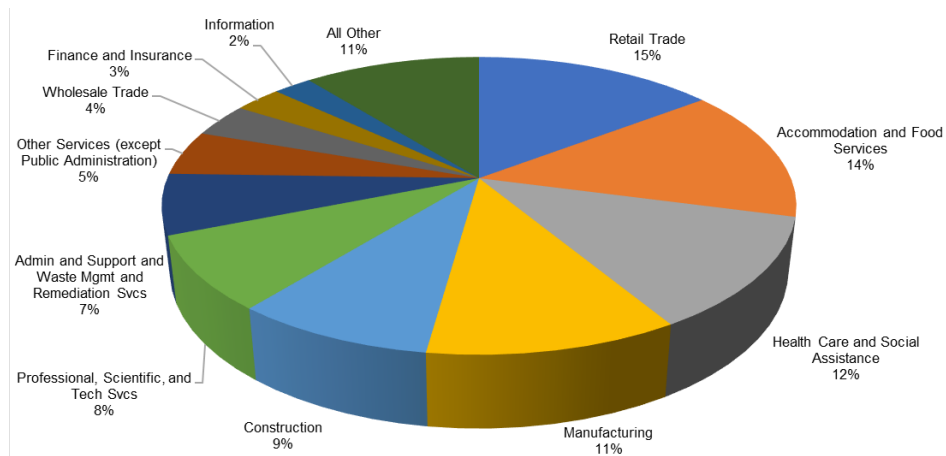
Source: Bureau of Labor Statistics, average of monthly unemployment rates



Jobs. The Bureau of Labor Statistics and its Quarterly Census of Employment and Wages (QCEW) does not provide data specifically for the City of Fort Collins, so the following discussion focuses on employment in Larimer County (Fort Collins MSA) as a whole. In 2018 there were 173,195 jobs in Larimer County. Seventy-six percent of those jobs (132,144) were in the private sector, and the remaining jobs were in the government sector (including Colorado State University). In 2018, the county’s largest private employment sector is Retail Trade (14.7% of all private sector jobs), followed closely by Accommodation and Food Services (14.5%) and healthcare and social assistance (12.2%) as shown in Figure II-19.

Figure II-19: Percent of Workforce Sector, Larimer County

Source: Bureau of Labor Statistics



In 2018, the average annual wage for private sector employment in Larimer County was \$60,853. Of all sectors, Management of Companies paid the highest wage (\$201,341, 0.7% of the workforce), followed by Manufacturing average wage (\$118,288, 11% of the workforce) and Arts, Entertainment, and Recreation offered the lowest wage (\$23,809, 14% of the workforce).

In 2018, the City’s Economic Health Department was able to analyze data specifically for the city of Fort Collins. Figure II-19 displays the annual average wage and percentage of workforce for all major employment sectors. Average manufacturing wages appear high; however, this may be due to primary employers in advanced manufacturing that are either headquartered in Fort Collins, have a higher presence of well-paid C-Suite employees, and/or have higher paid legal, engineering, design, and management staff located in Fort Collins. The overall average annual wage in 2018 was \$59,923, with highest wages in the Management of Companies sector (\$201,211, 0.5% of the workforce) followed by Manufacturing average wage (\$111,575, 10% of the workforce) and the lowest in Accommodation and Food Services (\$23,498, 14% of workforce).

Figure II-20
Average Wages by Employment Workforce Sector, Larimer County

Sector	Average Wages	% of Workforce
Retail Trade	\$35,434	14.3%
Accommodation and Food Services	\$23,498	13.7%
Health Care and Social Assistance	\$58,162	13.4%
Manufacturing	\$111,575	10.0%
Professional, Scientific, and Technological Services	\$101,611	9.8%
Administrative Support and Waste Management and Remediation Services	\$46,467	7.4%
Construction	\$66,691	6.8%
Other Services (except Public Administration)	\$36,213	4.9%
Finance and Insurance	\$87,909	3.1%
Wholesale Trade	\$89,749	3.1%
Information	\$67,897	2.9%
Real Estate and Rental and Leasing	\$59,478	2.7%
Arts, Entertainment, and Recreation	\$23,905	2.6%
Educational Services	\$32,077	2.3%
Transportation and Warehousing	\$52,984	1.4%
Agriculture, Forestry, Fishing and Hunting	\$44,365	0.6%
Management of Companies and Enterprises	\$201,211	0.5%
Mining, Quarrying, and Oil and Gas Extraction	\$72,998	0.2%
Utilities	\$128,621	0.2%
Average / Total	\$59,923	100%
Source: Bureau of Labor Statistics		

Community development. Other community investments have included the implementation of the North College Urban Renewal Authority. The North College URA has seen success with the development of King Sooper Marketplace, The Lyric cinema/café and Aspen Heights, a student housing development. The Prospect/Midtown URA has assisted with The Summit student housing development. In 2020, a new Urban Renewal Area was approved by City Council in the area of College Avenue and Drake Road.

2.5 Housing Market Analysis

In Fort Collins rents and sales prices for all types of housing have been on the rise, and vacancies are very low. Unfortunately, this has created a significant gap in the number of units affordable to renters earning \$25,000 annually or less (7265 units), and only 11% of renters could afford to purchase at home at the median home value.

In 2018, the median rent in Fort Collins was estimated at \$1,369 and the median home value was estimated at \$414,900. Since 2012, median rent increased by \$367 per month or 37% while median home value increased by \$166,100 or 67%.

To afford the city's median rent and average utilities and not be cost burdened, a renter household needs to earn \$54,760, roughly \$5,000 more than the median income for renter households. Similarly, the income needed to afford mortgage payments on a median priced home is \$12,500 more than the median income of owner households.

The affordability of the for-sale market has decreased considerably since 2012 when the median household income was greater than the income needed to purchase a median priced home. Conversely, the gap between the median income and required income to rent the median priced unit in 2012 was approximately \$4,000 more in 2018.

Adequate supply of housing inventory that is affordable to a large portion of residents (primarily households earning less than \$25,000 per year) remains the largest gap in the Fort Collins housing market. Lack of affordable options impacts vulnerable populations disproportionately, including residents on fixed income, seniors, residents with disabilities, and low-income households.

Characteristics of the housing market

- The housing stock is fairly evenly split between ownership and rental units.
- Most ownership stock has 3 bedrooms or more; most rental units have 2 or more bedrooms. Average household size in Fort Collins is ~2.5 people.
- The City has an occupancy restriction known as “U plus 2” which limits the number of non-family household members.
- There are currently 2965 price restricted rental units and 137 restricted ownership units in the Fort Collins affordable housing inventory
- Cost burden and severe cost burden are by far the greatest housing problems facing Fort Collins households.
- Median rent is over \$1300 per month, and over 75% of units rent for between \$1000 and \$2000 per month. Few rental units are available for low-income households.
- Rent has increased statewide over 50% in the last 7 years. Fort Collins average rent falls in line with statewide increases. The only area of Fort Collins where rents remain lower is in the northeast quadrant of the city.
- Average rents in Fort Collins for all apartment types, except 3-bedroom and up, are significantly higher than both the Fair Market Rent limits (FMRs) and the High HOME rent limits.

- There is a need for rental housing for individuals and families at 60% AMI or less. The need is especially acute for those at 0–30% AMI, people on fixed incomes, and persons with special needs, such as disabled individuals who need deeply subsidized accessible units that are close to public transportation.
- The current median home value in Fort Collins is over \$400,000. Households earning 80% AMI or less will have difficulty finding an affordable home for purchase without large subsidies.
- Owner-occupied units in Fort Collins tend to be newer than rental units. Sixty-four percent of owner-occupied units were built in 1980 or after, while 54% of rentals were built in 1980 or after. Units constructed before 1980 may be in need of rehabilitation, upgrades, and may also contain lead-based paint.
- There is a significant need for emergency repair, energy efficiency upgrades, and accessibility modifications for renters and owners in Fort Collins.

Condition of Public Housing

- Housing Catalyst (the Fort Collins Housing Authority) is participating in HUD’s Rental Assistance Demonstration (RAD) program for repositioning and/or disposition of all 154 Public Housing units. RAD allows the replacement of these scattered site properties with more efficient, healthy, livable homes for the residents, and will increase the net number of affordable housing units in Fort Collins by an additional 370 units.
- Housing Catalyst plans to sell 44 of these properties to Elevations Community Land Trust which will become permanently affordable homeownership units.
- There are no restoration and revitalization needs in these public housing units, which will be repositioned or converted in the next few years.

Facilities and services for vulnerable populations

- Fort Collins has a robust network of providers that serve vulnerable populations including people experiencing homelessness, elderly and frail elderly, people with behavioral health needs, people with disabilities, people living with HIV/AIDS, Spanish speaking residents, at-risk youth, veterans, victims of domestic violence, and low-income individuals and families.
- The types of facilities and services available for people experiencing homelessness in Fort Collins include diversion and prevention, emergency shelters, transitional housing, permanent supportive housing, and supportive services such as mental and physical health care, clothing, food, veterinary services, bicycle repairs, and many more.

- There are multiple nonprofit housing providers serving the community including CARE Housing, Housing Catalyst, Neighbor to Neighbor, Volunteers of America, and Habitat for Humanity.

Economic characteristics

- Fort Collins is a university town, which has impacts on the housing mix and cost; employment opportunities, rates, and wages; average educational attainment; and other factors affecting the economy.
- The unemployment rate for younger Fort Collins residents is much higher than the rate for those age 25 and older.
- Currently, the top four occupations in Larimer County employ over 19,000 people and pay no more than a median hourly wage of \$17.39.
- Fort Collins has a higher percentage of adults with a college education than jobs that need this education level. There is a disconnect between the highly educated employment base and the jobs currently being created.

Housing Catalyst. Housing Catalyst is the housing authority of the City of Fort Collins. It provides the critical tools families need and serves as an anchor for people whose lives need stability and support. Housing Catalyst was approved for the Rental Assistance Demonstration (RAD) program in 2015. RAD allows Housing Catalyst to sell 129 scattered aging public housing units and then leverage the sales proceeds into more sustainable financing and operating structures. Each (1) public housing unit sold, allows for six new or preserved affordable units will be added to the community's permanently affordable inventory.

Housing Catalyst has repositioned more than half of its public housing units thus far. Housing Catalyst plans to sell 44 of these properties to Elevations Community Land Trust which will then be permanently affordable homeownership opportunities in the community. Residents of public housing will be relocated to new properties, which will have transit accessible locations, community buildings, better building condition, greater efficiencies/energy efficiencies, and access to on-site property managers. Residents who move will also have Housing Choice Vouchers (Tenant Protection), and, after a year, may request a regular portable Housing Choice Voucher which they can use to move to privately held housing.

Housing Catalyst is a separate entity from the City of Fort Collins. City Council appoints Housing Catalyst board members. Housing Catalyst receives no operational funding from the City. The City of Fort Collins, through its federal Entitlement Grants for housing (CDBG, HOME), and its local Affordable Housing Fund, has heavily invested in Housing Catalyst's development and rehabilitation activities. Housing Catalyst is designated as a high performing housing authority and has never been designated as troubled or performing poorly.

Fair housing. Housing Catalyst has not been cited for a fair housing violation in recent memory. It is Housing Catalyst's practice to provide all new tenants and voucher holders with a booklet describing the tenant's fair housing rights. When Housing Catalyst's waiting lists are

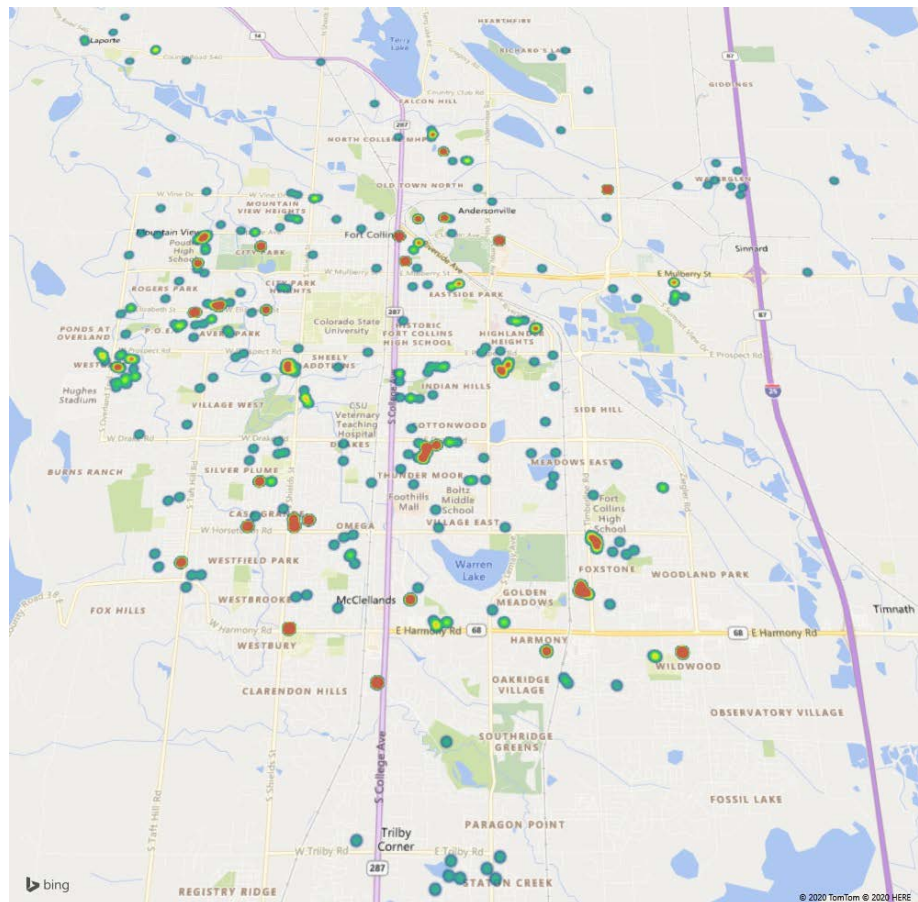
open applications are available in person, on the website, and Housing Catalyst will mail applications upon request. Documents are available in Spanish. If it believes a tenant has had his/her fair housing rights violated, Housing Catalyst refers the tenant to the Colorado Civil Rights Division (CCRD).

Project-based voucher holder preferences. For its project-based voucher program, Housing Catalyst works with a number of community organizations for referrals, including Project Self-Sufficiency, One Village One Family, Catholic Charities, the Larimer County Criminal Justice Services Division, and the Continuum of Care Coordinated Entry System.

Section 8 Housing Choice Vouchers. Housing Catalyst administers 1184 Housing Choice Vouchers. The rental market in Fort Collins has had a low vacancy rate for several years, making it somewhat challenging for participants to find a unit. New participants initially have 60 days to find housing but may request an additional 60-day extension. Veterans Affairs Supportive Housing (VASH) voucher holders have 120 days initially by regulation. The voucher waiting list is currently closed.

Figure II-21 maps the locations of Housing Choice Voucher holder residences. The vouchers are well distributed in most areas of the city and are not heavily concentrated in areas with ethnic or low-income concentrations.

Figure 11-21 Housing Choice Voucher Locations, City of Fort Collins, 2020
Source: 2020 Housing Catalyst data



Landlord outreach. Housing Catalyst is a member of the local apartment association and attends monthly meetings. Housing Catalyst also tries to hold annual landlord appreciation events and is involved in landlord education presentations.

Characteristics of populations served. Housing Catalyst provided characteristics of its public housing tenants and voucher holders. As shown in Figure II-22, about 74% of public housing tenants and voucher holders are extremely low income.

Figure II-22.		
Assisted Housing Resident Income, 2019		
Note: n=70 Public housing tenants and 1,184 voucher holders (all programs).		
Resident Income	Public Housing Tenants	All Voucher Holders
Extremely Low Income (0%-30% AMI)	74%	82%
Very Low Income (31%-50% AMI)	20%	15%
Low Income (51%-80% AMI)	6%	3%
Average Annual Income	\$17,334	\$13,931
Average Monthly Tenant Payment	\$312	\$315
Source: Housing Catalyst data.		

Figure II-23 presents the family type of residents receiving assisted housing from Housing Catalyst. As shown, 48% of public housing unit tenants are female heads of household with children, compared to 30% of voucher households. Numbers add to greater than 100% because the householder may fit more than one category.

Figure II-23.		
Assisted Housing Family Type, 2019		
Note: n=70 Public housing tenants and 1,184 voucher holders (all programs).		
Family Type	Public Housing Tenants	All Voucher Holders
Female Head of Household, with Children	48%	30%
Non-Elderly, with Children, Non-Disabled	38%	26%
Non-Elderly, No Children, Disabled	25%	28%
Non-Elderly, with Children, Disabled	10%	7%
Elderly, No Children, Disabled	16%	20%
Non-Elderly, No Children, Non-Disabled	4%	9%
Elderly, No Children, Non-Disabled	4%	8%
Elderly, with Children, Disabled	3%	1%
Elderly, with Children, Non-Disabled	1%	0%
Source: 2019 Housing Catalyst data		

Figure II-24 depicts the race and ethnicity of heads of households receiving assisted housing. The race of the vast majority of assisted housing recipients is White only. About 42% of householders in public housing are Hispanic or Latino and 23% of voucher holders identify their ethnicity as Hispanic or Latino. In general, persons who are Hispanic or Latino are overrepresented in Housing Catalyst housing programs.

Figure II-24.		
Assisted Housing Family Type, 2019		
Note: n=70 Public housing tenants and 1,184 voucher holders (all programs).		
	Public Housing Tenants	All Voucher Holders
Head of Household's Race		
White Only	92%	91%
Black/African American Only	5%	5%
American Indian or Alaska Native Only	2%	2%
Asian Only	0%	1%
Native Hawaiian or Other Pacific Islander	0%	0%
Other	0%	1%
Head of Household's Ethnicity		
Hispanic or Latino	42%	23%
Not Hispanic or Latino	58%	77%
Source: 2019 Housing Catalyst data		

Figure II-25 presents the age distribution of all assisted housing residents. The age distribution of household members living in assisted housing is very similar between public housing units and voucher program tenants.

Figure II-25.		
Assisted Housing Age of Household Members, 2019		
Note: n=70 Public housing household members and 1,184 voucher holder household members (all programs).		
Housing Members Age Distribution	Public Housing Tenants	All Voucher Holders
Age 0 to 5	7%	9%
Age 6 to 17	32%	26%
Age 18 to 50	38%	35%
Age 51 to 61	12%	14%
Age 62 to 82	10%	15%
Age 83+	1%	1%
Source: 2019 Housing Catalyst data		

The household size of residents of assisted housing is shown in Figure II-26. Over half of voucher holders are one-person households, compared to 38% of public housing tenants.

Figure II-26. Assisted Housing Household Size Distribution, 2019		
Note: n=70 Public housing tenants and 1,184 voucher holders (all programs).		
Household Size Distribution	Public Housing Tenants	All Voucher Holders
1 Person	33%	54%
2 Persons	22%	18%
3 Persons	22%	14%
4 Persons	7%	6%
5 Persons	13%	6%
6 Persons	3%	2%
7 Persons	0%	1%
8 Persons	0%	2%
Average Household Size	2.54	2.02
Source: 2019 Housing Catalyst data		

Assisted Housing Disproportionality Analysis. HUD is particularly interested in knowing if protected classes experience disproportionate barriers to fair housing choice. The survey results and following data indicate this could be true of persons with disabilities.

As demonstrated in Figure II-27 on the next page, public housing and the voucher program provide housing to protected classes at higher rates than their representation of persons in poverty overall for female heads of households, persons with disabilities and persons of Hispanic descent. This may be an indicator of the limited ability or willingness of the private sector to provide affordable housing for these populations.

Figure II-27. Distribution of Public Housing/ Voucher Program Participants and Residents in Poverty, 2019			
	Public Housing	All Voucher Programs	Residents Living in Poverty
Female Head of Household with Children	48%	30%	5%
Disability	54%	56%	9%
Head of Household's Race			
American Indian or Alaska Native	2%	2%	25%
Asian	0%	0%	20%
Native Hawaiian or Other Pacific Islander	0%	0%	62%
Black/African American	5%	5%	22%
White	92%	91%	16%
Ethnicity of Residents			
Hispanic or Latino	42%	23%	21%
Not Hispanic or Latino	58%	77%	16%
Source: Public housing and voucher program data: from Housing Catalyst. Poverty data from 2016 5 yr ACS.			

2.6 Transit

Transfort is the transit operator for the City of Fort Collins. Transfort's base network is comprised of 23 fixed routes and a total of 440 bus stops. Regular service operates Monday – Saturday from 5:10 a.m. to 12:16 a.m. and Sunday from 7:54 a.m. to 7:26 p.m. On Fridays and Saturdays, Transfort provides late night service from 11:00 p.m. to 2:30 a.m. called Safe Ride Home, or the Gold Route, and ADA complementary paratransit service linking downtown Fort Collins and Colorado State University (CSU) housing areas. Transfort directly operates fixed-route service and contracts for both complementary paratransit service and some supplemental fixed-route service.

The City implemented an FTA Small Starts project, MAX (Mason Express), in May 2014. MAX is a bus rapid transit (BRT) route that serves a five (5) mile north-south corridor along Mason Street from south Fort Collins to the Downtown area. MAX offers 10-minute frequencies throughout much of the day.

The FLEX Regional Route began in 2010 through a partnership between the City of Fort Collins, City of Loveland, Town of Berthoud, City of Longmont, and Boulder County. The City of Boulder became a partner in 2016 with the launch of FLEX to Boulder. Weekday service includes 19 round trips to Loveland, 14 round trips to Longmont and 5 round trips to Boulder.

Transfort operates a campus circulator called 'Around the Horn' on CSU's campus, serving students, staff and community members. Along with student housing, the service area encompasses residential neighborhoods including single-family homes, town homes, and

apartment buildings. The HORN route connects east/west commuters in this area to the north/south MAX line.

Complementary paratransit service, called Dial-A-Ride (DAR), operates Monday through Sunday during the same hours fixed-route service operates. The complimentary paratransit service follows the ADA minimum standards of providing service within $\frac{3}{4}$ mile of fixed route stops. In order to better serve clients, eligibility will be categorized into three different groups:

- Unconditional: A person's disability prevents them from using the fixed route system at any time.
- Conditional: A person's disability prevents them from using the fixed route system part of the time. An example would be a person sensitive to temperature extremes. Consideration will be given to the following day's weather in determining a trip's eligibility.
- Temporary: A person's disability prevents them from using the fixed route system for a set period of time.

Additionally, CDOT offers Bustang, an interregional express bus service connecting major populations, employment centers and local transit entities along the I-25 and I-70 corridors, including a route from Fort Collins to Denver.

Transfort currently operates transit centers in three locations to better serve riders:

- South Transit Center (STC) located at 4915 Fossil Blvd. Fort Collins.
- Downtown Transit Center (DTC) located at 250 N. Mason St. in historic Old Town Fort Collins.
- CSU Transit Center (CTC) located in the Lory Student Center on campus.

Figure II-28 presents Transfort's service routes and stops as of August 2020.

Source: Transfort webpage; for most current information: <http://www.fcgov.com/transfort>

Figure 1. Schematic representation of the experimental design. The first part of the study was a pretest in which the effect of the number of items on the number of items was tested. The second part of the study was a main test in which the effect of the number of items on the number of items was tested. The third part of the study was a posttest in which the effect of the number of items on the number of items was tested.



Section Three: Public Policy and Land Use Code Review

3.1 Introduction

This report summarizes our review of the City of Fort Collins land use policies and regulations for their potential impacts on fair housing opportunities. The documents and topic areas reviewed include:

- [City Plan](#), the City's comprehensive plan
- The Land Use Code, which contains zoning and development regulations
- Incentives for affordable housing development
- Occupancy regulations
- Development fees
- Mobile home park redevelopment

The observations and findings for each document and topic area are provided on the following pages. While it is not necessary that all the suggested revisions be incorporated into Fort Collins policies and regulations, including more of them will further reduce barriers to fair housing choice.

3.2 Comprehensive Plan

Overview and Vision. *City Plan* is the comprehensive plan for the City of Fort Collins. Adopted in April 2019, it articulates the community's vision and core values, and establishes the overall policy foundation that will be used by the City of Fort Collins organization ("the City"), its many local and regional partners, and the community at large to work toward that vision over the next 10-20 years. The implementation of *City Plan* is facilitated by partnerships and the City's Strategic Plan, which provides short- and mid-term guidance. Both are supported by the City's budgeting process, department-level functional plans and the availability of funding from many sources.

As established in *City Plan*, the Community Vision is "to take action to address the needs of all members of our community and strive to ensure that everyone has the opportunity to thrive. As a community, we commit to building a healthy, equitable and sustainable city—for our families, for our neighbors and for future generations." The following three core values address the community vision: livability, community, and sustainability.

Principles and Policies. Principles, policies and strategies contained in *City Plan*—together with the Structure Plan—are used to guide future growth and development and day-to-day decision-making within the City of Fort Collins organization. The City tracks its progress

on *City Plan* and other adopted plans and priorities based on the following seven outcome areas:

- Neighborhood Livability and Social Health
- Culture and Recreation
- Economic Health
- Environmental Health
- Safe Community
- Transportation
- High Performing Community

This structure supports plan- monitoring efforts, as well as alignment with the City's budgeting and strategic planning processes.

The principles and policies that address, or are related to, fair housing choice are listed below:

Neighborhood Livability and Social Health. Refers to the overall physical character of the community, and the ability of residents to live happy, healthy and fulfilling lives. Strong neighborhoods result from a combination of factors, including investments in services and infrastructure; access to high-quality amenities; and housing that is attainable to residents from a range of incomes and backgrounds. Principles in this outcome area build on and support ongoing public- and private-sector initiatives, focusing specifically on: increasing the availability of affordable housing, managing growth, and supporting a sustainable pattern of development.

Principle LIV 2: Promote infill and redevelopment.	
Policy LIV 2.3 – Transit-oriented development	Require higher-density housing and mixed-use development in locations that are currently, or will be, served by BRT and/or high-frequency transit in the future as infill and redevelopment occurs. Promote a variety of housing options for all income levels.
Principle LIV 4: Enhance neighborhood livability.	
Policy LIV 4.1 – New Neighborhoods	Encourage creativity in the design and construction of new neighborhoods that: <ul style="list-style-type: none"> ➤ Provides a unifying and interconnected framework of streets, sidewalks, walkway spines and other public spaces; ➤ Expands housing options, including higher-density and mixed-use buildings; ➤ Offers opportunities to age in place; ➤ Improves access to services and amenities; and Incorporates unique site conditions.
Policy LIV 4.4 – Culturally relevant gathering places	Promote the addition and retention of culturally relevant businesses, gathering places and services in existing neighborhoods and commercial areas to maintain and enhance a sense of welcome and inclusion as redevelopment occurs.

Principle LIV 5: Create more opportunities for housing choices.	
Policy LIV 5.1 – Housing Options	To enhance community health and livability, encourage a variety of housing types and densities, including mixed-used developments that are well served by public transportation and close to employment centers, shopping, services and amenities.
Policy LIV 5.2 – Supply of Attainable Housing	Supply of Attainable Housing: Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.
Policy LIV 5.3 – Land for residential development	Land for residential development: Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.
Policy LIV 5.4 – Land Supply for Affordable Housing	Land Supply for Affordable Housing: Continue to grow and utilize the Affordable Housing Land Bank Program and other programs to create permanently affordable housing units.
Policy LIV 5.5 – Integrate and Distribute Affordable Housing	Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Principle LIV 6: Improve access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background.	
Policy LIV 6.1 – Basic Access	Support construction of housing units with practical features that provide access and functionality for people of all ages and widely varying mobilities.
Policy LIV 6.2 – Specialized Housing Needs	Plan for populations who have specialized housing needs. Integrate residential-care and treatment facilities, shelters, permanent supportive housing, group homes and senior housing throughout the GMA in areas that are well served by amenities and public transportation.
Policy LIV 6.4 – Permanent Supply of Affordable Housing	Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.
Policy LIV 6.5 – Aging in Place	Retain attainable housing options in existing neighborhoods so residents can “age in place.”
Policy LIV 6.6 – Affordable Housing Programs	Support the development and provision of affordable housing in the community by maintaining and expanding dedicated sources of funding for affordable housing services and programs, including management of a competitive process for federal and local funding, development incentives, homebuyer assistance and the Land Bank Program.
Policy LIV 6.7 – Incentives	Support and encourage the private development of affordable housing by offering incentives, such as special assistance to offset the costs of the City’s impact fees and development requirements, rebates for energy-saving features, and reducing barriers to the construction and rehabilitation of long-term affordable housing units.
Policy LIV 6.8 – Monitoring Housing Affordability	Collect, maintain and disseminate information on housing affordability such as cost, demand and supply of affordable housing stock.
Policy LIV 6.9 – Prevent Displacement	Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.
Policy LIV 6.10 – Mitigate Displacement Impacts	Consider mitigation strategies to assist residents displaced through the closure of manufactured housing parks or conversion of rental apartments, including single-room-occupancy units, to condominiums or other uses.

Note: Housing Options: As the community’s demographics change, Fort Collins and local partners are committed to finding solutions and new ideas that promote housing options to meet the needs of all residents. Access to and options for housing that suits different income levels, abilities, ages, and backgrounds are critical elements of creating a community where residents feel welcome, safe and valued. Fort Collins’ Social Sustainability Department, alongside nonprofit and private stakeholders, plays an important role addressing the root causes of homelessness, creating stable housing opportunities, providing homebuyer assistance, allocating resources for affordable housing and ensuring equal housing access through the National Fair Housing Act.

Principle LIV 7: Promote a more inclusive and equitable community that encourages and celebrates diversity.	
Policy LIV 7.1 – Acceptance, Inclusion and Respect	Identify opportunities to promote acceptance, inclusion and respect for diversity. Discourage all forms of discrimination, in addition to the specific characteristics that are protected by law.
Policy LIV 7.2 – Diversity	Celebrate Fort Collins’ diverse community through activities that promote learning and understanding of different ethnic and cultural groups, such as working with partners and cultural leaders, co-creation of cultural events and activities, and responsiveness to community vision.
Policy LIV 7.3 – Cultural Competency	Provide City services and share information in a manner that is culturally and linguistically relevant to a range of residents.
Policy LIV 7.4 – Equity Considerations	Include considerations for equity in decision making processes across the City organization to ensure that the benefits and/or burdens of City actions or investments are shared fairly and do not disproportionately affect a particular group or geographic location over others.

Principle LIV 8: Develop an equitable, comprehensive, coordinated and efficient system of health and human services that is accessible to all residents in need of assistance.	
Policy LIV 8.1 – Health and Safety Ordinances	Foster healthy and safe environments by continuing enforcement of current health and safety ordinances related to tobacco and alcohol use, noise, snow removal, dismount zones, and other health, environmental and nuisance topics.
Policy LIV 8.2 – Health and Human Service Providers	Rely upon Larimer County to provide community health and human services in partnership with local service providers. Focus on improving communication, education, accessibility and collaboration in order to enhance overall physical and mental health, safety and wellness of the community.
Policy LIV 8.3 – Partner Organizations	Partner, fund and collaborate with local service providers to ensure adequate levels of assistance for human-service needs, including affordable childcare; homelessness services; mental illness and substance use disorders; food access; workforce development; and education.
Policy LIV 8.5 – Facility Siting and Access	Encourage health- and human-services providers to carefully consider locations of new facilities and transportation implications, provide transportation to services and coordinate with the public transportation system, particularly areas that are, or will be, served by high-frequency transit.
Policy LIV 8.6 – Homelessness	Continue to collaborate with partner organizations on the implementation of Fort Collins’ plan to make homelessness rare, short-lived and nonrecurring.

Culture and Recreation. Access to culture and recreation enriches the day-to-day experiences and quality of life of Fort Collins residents, while also contributing to positive physical and mental health. Fort Collins has numerous plans in place to help guide future investments in these amenities and ensure that programs and facilities are aligned with the dynamic needs of the community. As the City continues to expand the number and types of

arts, cultural and recreational opportunities available to residents and visitors, it will be important to ensure that all are able to access these opportunities regardless of their race, ethnicity, income, age, ability or background. City Plan supports adaptive recreation programs and other efforts to ensure that cultural and recreational opportunities are not just conveniently located, but that they are affordable to people of varying abilities and income levels.

Principle CR 1: Build Fort Collins' identity as a thriving cultural and creative destination by supporting an inclusive and equitable arts, culture and creative community.	
<i>Policy CR 1.1 – Equity and Inclusion</i>	Through the arts, foster an inclusive and equitable cultural and creative community that represents all residents.
<i>Policy CR 1.3 – Community Engagement</i>	Enhance the City's cultural facilities and citywide programs to address community growth and demand, supporting the community's vibrancy and health.

Principle CR 2: Provide a variety of high-quality outdoor and indoor recreational opportunities that are accessible to all residents.	
<i>Policy CR 2.1 – Recreation Opportunities</i>	Maintain and facilitate the development of a well-balanced system of parks, trails, natural areas and recreation facilities that provide residents and visitors of all races/ethnicities, incomes, ages, abilities and backgrounds with a variety of recreational opportunities.
<i>Policy CR 2.2 – Interconnected System</i>	Support an interconnected regional and local system of parks, trails and open lands that balances recreation needs with the need to protect wildlife habitat and other environmentally sensitive areas. Where appropriate, place trails along irrigation ditches and storm drainageways to connect to destinations such as schools, open lands and neighborhood centers.
<i>Policy CR 2.3 – Public and Private Partnerships</i>	Develop and maintain effective public and private partnerships to provide a comprehensive system of parks, common open lands and outdoor spaces that are distributed equitably throughout the community and accessible to all.

Economic Health. Economic health refers to the overall vitality and soundness of our local economy. A healthy economy is vibrant and resilient and provides a diverse range of quality employment opportunities to residents. The success of a local economy depends on regional, national and even global factors. The forward-looking principles and policies in this outcome area support the Economic Health Strategic Plan, which establishes a framework for strategic investments, business engagement, redevelopment and support for an innovation ecosystem.

Principle EH 1: Foster a vibrant, resilient and inclusive economy.	
<i>Policy EH 1.1 – Employment Base</i>	Support the enhancement of the community's economic base and primary job creation by focusing on retention, expansion, incubation and recruitment efforts that create jobs and import income or dollars to the community, particularly businesses in the adopted Target Industry Clusters.
<i>Policy EH 1.2 – Improve Business Engagement</i>	Support the identification and refinement of services for our business customers by engaging businesses of all sizes and across all industries. The business community is an essential partner in fostering a vibrant, resilient and inclusive economy. Business engagement should utilize best practices related to capital construction management, land use code decisions and capital project prioritization.
<i>Policy EH 1.5 – Economic Resilience</i>	Maintain a diverse economy that is prepared to anticipate, innovate and proactively respond to cyclical economic fluctuations and changes as the community approaches buildout of available land.

Transportation. Transportation must evolve quickly to meet the community’s mobility vision and adapt to new travel options and technologies. The principles and policies of this outcome area reflect ambitious goals for reducing greenhouse gas emissions, improving safety and efficiency for all modes and reducing single occupancy vehicles (SOV). These principles and policies will integrate land use and transportation; anticipate and adapt to emerging mobility and delivery trends; promote bicycling and walking through infrastructure and programs; and meet mobility needs with transit.

Principle T 1: Coordinate transportation plans, management and investments with land use plans and decisions.	
Policy T 1.2 – Land Use Context	Consider the land use context for transportation projects by incorporating design that is sensitive to existing and future land uses; considering environmental, scenic, aesthetic and historic values; and evaluating the potential equity impacts of projects.

Principle T 5: Ensure that transit is a safe, affordable, efficient and convenient travel option for people of all ages and abilities.	
Policy T 5.2 – BRT and High-Frequency Transit Service	Implement BRT and high-frequency transit service as shown in this document along major transportation corridors as land use densifies and mobility demands increase, providing links between major activity centers and transit-oriented development.

Principle T 9: Utilize the transportation system to support a healthy and equitable community.	
Policy T 9.1 – Health- and Human-Services Providers	Improve transportation access to health- and human-services organizations.
Policy T 9.5 – Equitable Access	Provide equitable access to services and resources, particularly for marginalized and under-resourced communities as identified in the Health Equity Index Analysis in the City Plan Trends and Forces Report and other future equity analyses.
Policy T 9.10 – ADA Infrastructure	Pursue infrastructure improvements beyond what is required in the ADA to ensure optimal equal access, coordinating with disability-rights organizations to determine best-practice solutions.

Principle T 10: Support and enhance safety for all modes.	
Policy T 10.10 – Under-resourced communities	Consider prioritizing safety improvements in marginalized and under-resourced communities, including the disability community.

Summary. The City’s Comprehensive Plan (*City Plan*) provides a solid vision and policy direction for the continuation of existing and establishment of future fair housing opportunities.

3.3 Land Use Code

Overview. The City of Fort Collins’ Land Use Code is a component of the City Code, and guides land use and development activities in the community. It includes zone district regulations, general development review procedures, standards for development, permitted land uses, and definitions of common terms. The five articles of the Land Use Code include: Article 1, General Provisions; Article 2, Administration; Article 3, General Development

Standards; Article 4, District Standards; and Article 5, Definitions. This section of the report addresses the purpose statement, definitions, zone districts, permitted uses and development standards, and procedures and approvals components of the Land Use Code, specifically as they relate to fair housing choice and opportunities. It concludes with a summary of perceived strengths and weaknesses of the code in terms of fair housing.

Purpose. As stated in Section 1.2.2 of the Land Use Code, the purpose of the code is to improve and protect the public health, safety, and welfare by:

- ensuring that all growth and development which occurs is consistent with this Code, City Plan and its adopted components, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plans.
- encouraging innovations in land development and renewal.
- fostering the safe, efficient and economic use of the land, the city's transportation infrastructure, and other public facilities and services.
- facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- reducing energy consumption and demand.
- minimizing the adverse environmental impacts of development.
- improving the design, quality and character of new development.
- fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.
- encouraging the development of vacant properties within established areas.
- ensuring that development proposals are sensitive to the character of existing neighborhoods.
- ensuring that development proposals are sensitive to natural areas and features.

- encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.

The purpose statement within the Land Use Code does not currently reflect the City's commitment to provide housing choices for all residents (including the elderly and those with disabilities) and to comply with applicable federal and state law regarding housing choice and accessibility. However, this is contained in the 2015-2019 Affordable Housing Strategic Plan. The City should consider adding a purpose statement of this nature to the Code, as it would be consistent with the vision and policies contained in the City's Comprehensive Plan.

In addition, since housing choice, availability, and affordability is closely related to transportation options, the purpose statement should also reflect the City's intent to coordinate housing and transportation to allow various types of housing near transit. The City continues to prioritize housing near transit with a Transit Oriented Development Overlay District.

Definitions. The Land Use Code provides definitions of the following housing-related terms. Following each definition is a short discussion about whether or not the definitions provide any barriers to fair housing choice.

Family:

Family shall mean any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities.

The City's occupancy limits are based on this definition of family. This definition does not appear to have the effect of discriminating against unrelated individuals (with or without disabilities) who reside together, provided that they are in compliance with the City's occupancy regulations (see the following section addressing occupancy).

Many municipalities try to avoid defining "Family" and use the term "Household" instead. The term household is not defined in the Land Use Code, but many communities define a household as "any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel."

Disability:

Disabled person shall mean any person who has a physical or mental impairment that substantially limits one (1) or more major life activities, has a record of such impairment or is regarded as having such impairment.

A physical or mental impairment shall mean hearing, mobility and visual impairment, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation that substantially limit one (1) or more major life activities.

Major life activities shall mean walking, talking, hearing, seeing, breathing, learning, performing manual tasks and/or caring for oneself.

Developmentally disabled shall mean a person five (5) years of age or older with a severe, chronic disability which:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age twenty-two (22);
3. Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
 - Self-care;
 - Receptive and expressive language;
 - Learning;
 - Mobility;
 - Self-direction;
 - Capacity for independent living;
 - Economic self-sufficiency; and
 - Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five (5) years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.

Group Home:

The Code defines the term group home in the following ways:

- A residential group home shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

- A large group care facility shall mean a residential facility that is planned, organized, operated and maintained to offer facilities and services to a specified population and is licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

These definitions do not appear to have the effect of discriminating against unrelated individuals who reside together in a group living arrangement, nor do they appear to unduly restrict or deny housing opportunities for individuals with disabilities with onsite housing supporting services. These types of housing appear to be correctly characterized for the intended use (not mischaracterized as boarding or rooming houses, hotels, or extra occupancy rental housing).

Dwelling Unit:

The code defines the term dwelling unit as “one or more rooms with a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking, and sanitary purposes, located in a single-family, two-family or multifamily dwelling or mixed-use building.” This definition does not appear to have a discriminating effect. However, the City may want to broaden the list of possible locations for dwelling units to include accessory/carriage houses, mobile/ manufactured homes, and/or group homes. These types of dwelling units are currently identified in the code and definitions are under development.

Dwelling shall mean a building used exclusively for residential occupancy and for permitted accessory uses, including single family dwellings, two-family dwellings, multi-family dwellings, and short term primary and non-primary rentals. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy with the exception of short term primary and non-primary rentals. Any dwelling shall be deemed to be a principle building.

- *Dwelling, mixed-use* shall mean a dwelling that is located in the same building as a nonresidential use (but not including an accessory use).
- *Dwelling, multi-family* shall mean a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
- *Dwelling, single-family* shall mean a dwelling containing no more than one (1) dwelling unit.

- *Dwelling, single-family attached* shall mean a single-family dwelling attached to one (1) or more dwellings or buildings, with each dwelling located on its own separate lot.
- *Dwelling, single-family detached* shall mean a single-family dwelling which is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.
- *Dwelling, two-family* shall mean a dwelling containing two (2) dwelling units.
- *Dwelling, two-family attached* shall mean a two-family dwelling attached to one other two-family dwelling with each such two-family dwelling located on its own separate lot.
- *Dwelling unit* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Affordable housing project shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the City and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

- *Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.
- *Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and

homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.

Community based shelter services shall mean an accessory use to a facility owned and operated by a place of worship, public benefit corporation as defined by the Colorado Revised Statutes, or a tax exempt corporation as defined by Section 503 of the U.S. Internal Revenue Code, that provides overnight accommodations on a temporary basis for a maximum of fifteen (15) persons.

Dormitory shall mean a building used as group living quarters for students or religious adherents as an accessory use for a bona fide college, university, boarding school, seminary, convent, monastery or other similar institutional use.

Elderly shall mean a person sixty (60) years of age or older.

Homeless shelters shall mean a fully enclosed building other than a hotel, motel, or lodging establishment that is suitable for habitation and that provides residency only for homeless persons at no charge at any time during the year. Community based shelter services are exempt from this definition.

Long-term care facility shall mean any of the following:

1. *Convalescent or rehabilitation center* shall mean a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
2. *Nursing or memory care facility* shall mean a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four (24) hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) hour per day nursing services under the direction of a registered professional nurse employed full time.
3. *Intermediate health care or assisted living facility* shall mean a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four (24) hour per day nursing services are required.
4. *Independent living or continuing care facility* shall mean a single-family, two-family and/or multi-family dwelling which is located within a development that contains one (1) or more of the facilities described in (1) through (3) above, wherein the

residents of such dwellings have access to the common amenities and services available to residents of the facilities described in (1) through (3) above .

Mobile home shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

- *Mobile home park* shall mean a parcel of land which has been planned, improved or is currently used for the placement of mobile homes and contains more than one (1) mobile home lot.

Primary residence shall mean the dwelling unit in which a person resides for nine (9) or more months of the calendar year. Under this definition, a person has only one (1) primary residence at a time.

Seasonal overflow shelters shall mean a homeless shelter that allows homeless persons to stay on its premises overnight from the beginning of November through the end of April, unless, because of inclement weather, specific and limited exceptions to such seasonal limitations are granted by the Director. Community based shelter services are exempt from this definition.

Shelters for victims of domestic violence shall mean a residential facility operating twenty-four (24) hours per day and seven (7) days per week, the purpose of which facility is to receive, house, counsel and otherwise serve victims of domestic violence, as that term is defined in Section 18-6-800.3, C.R.S. and their dependents. Such facility may also include day care, professional, administrative and security staff.

Short term non-primary rental shall mean a dwelling unit that is not a primary residence and that is leased in its entirety to one (1) party at a time for periods of less than thirty (30) consecutive days. The term party as used in this definition shall mean one (1) or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment. The term short term non-primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit. Short term non-primary rental is a distinct use from short term primary rental under the Land Use Code.

Short term primary rental shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. The term party as used in this definition shall mean one (1) or more persons who as a single group rent a short term primary rental pursuant to a single reservation and payment. A carriage house that is not a primary residence is eligible to be a short term primary rental if it is located on a lot containing a primary residence.

A dwelling unit of a two-family dwelling that is not a primary residence is eligible to be a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit. Short term primary rental is a distinct use from short term non-primary rental under the Land Use Code.

Zone Districts:

The Land Use Code contains regulations for the City's 28 zone districts. The districts encompass a wide variety of uses and range from minimal development in the Rural Lands and Public Open Lands Districts, to neighborhood development in the Low, Medium, and High Density Mixed-Use Neighborhood Districts, and various employment, industrial, and commercial districts. The addition of a Mobile Home Park Zone is currently under consideration. While the various zone districts generally allow a wide range of permitted land uses, some emphasize residential development, and others place more emphasis on mixed-use or non-residential development.

Residential Districts:

The following zone districts primarily emphasize residential development:

- Urban Estate District (U-E)
- Residential Foothills District (R-F)
- Low Density Residential District (R-L)
- Low Density Mixed-Use Neighborhood District (L-M-N)
- Medium Density Mixed-Use Neighborhood District (M-M-N)
- Neighborhood Conservation, Low Density District (N-C-L)
- Neighborhood Conservation, Medium Density District (N-C-M)
- Neighborhood Conservation, Buffer District (N-C-B)
- High Density Mixed-Use Neighborhood District (H-M-N)

Each residential district includes a discussion of the purpose of the district. The U-E, R-F, and R-L Districts are intended to be settings for large-lot housing and lower-density residential neighborhoods. The L-M-N and M-M-N Districts are intended to function as mixed-use neighborhoods that include a variety of housing choices and meet the wide range of needs of everyday living in neighborhoods. The H-M-N District is intended to be a setting for higher density housing, and must be given this designation per an adopted subarea plan. The N-C-L and N-C-M Districts are intended to preserve the

character of areas that have a predominance of developed housing. The N-C-B District is intended to be a setting for transitional areas between residential neighborhoods and more intense areas.

The residential uses permitted in each district vary, as do the review processes required for development approvals. However, all of the residential districts permit a wide variety of residential uses, including group homes and shelters for victims of domestic violence, which are subject to different levels of review (basic development review, administrative public hearing, or planning and zoning board public hearing).

In general, the array of residential districts appears to provide opportunities for the development of a wide variety of housing types and does not appear to deny fair housing opportunities for any groups or individuals. The update to *City Plan* is an opportunity to increase allowable density throughout the city. Affordable housing is well distributed throughout the city. One of the ways to ensure this continues to be

true in the future is the Land Bank program. It may be beneficial, in the *City Plan* update to change the purpose statements for the various residential zone districts to reflect a more clear intent of providing fair housing opportunities (both in terms of protected classes of citizens, as well as in terms of affordability).

Mixed-use District:

With the exception of some open land, rural, and low-density residential districts, the City's zone districts permit and accommodate mixed-use development. Moreover, many districts place strong emphasis on achieving mixed-use development to promote walkability, increase convenience, and integrate housing near services, employment, and transit.

Like residential uses, mixed-use developments are subject to different review processes based on the intensity of the development and the applicable zone district. Generally, this emphasis on mixed-use development and the permitting of residential uses in mixed-use and non-residential zone districts increases opportunities for housing throughout the community, especially in locations that are convenient to services and transit. This mixed-use emphasis does not appear to deny fair housing opportunities for any groups or individuals.

Exclusive Districts:

With the exception of the agricultural and open lands districts, none of the City's zone districts is intended to be exclusive in terms of permitted uses or types of development. However, the residential and neighborhood conservation districts (R-L, N-C-L, N-C-M, N-C-B) place strong emphasis on preserving the character of existing neighborhoods, which could result in the perception of exclusivity.

While these conservation districts generally permit the same types of residential uses as the other residential districts, the approval process is generally more intense for residential uses that are different from the established character (such as group homes and multi-family uses). These districts do not appear to deny fair housing opportunities for any groups or individuals but may have more homogenous residential development than other zone districts because of their emphasis on neighborhood conservation.

Furthermore, policies and development standards that call for the conservation of existing neighborhoods may actually support the retention of affordable housing by preserving the housing stock and discouraging the demolition of houses to make place for new, more expensive housing units (this term is commonly referred to as “scrape offs”).

Permitted Uses and Development Standards:

The Land Use Code permits a wide variety of uses to accommodate a range of community housing needs, as discussed in the following sections.

Housing for Disabled Persons – The Land Use Code generally does not distinguish housing for disabled persons from other types of housing. It does, however, contain special provisions related to group homes and handicap accessibility, as discussed in detail below. In summary, the code does not appear to deny housing opportunities for individuals with disabilities, and it does appear to make reasonable accommodations to making housing accessible to persons with disabilities.

Group Homes – The Land Use Code does have specific development standards to regulate group homes, including those that provide special care or rehabilitation due to physical condition. The Code makes a distinction between residential group homes and large group care facilities.

Residential group homes are residences that are operated as a single dwelling, with a maximum of eight residents, excluding supervisors. Large group care facilities are residential facilities that are planned, organized, operated, and maintained to offer facilities to a specified population, and allow more than eight residents, excluding supervisors. Development standards for both types of group home facilities specify the number of residents that can be allowed (based on zone district and lot area), and the minimum separation requirements between any other group home.

Group homes are permitted uses in nearly every zone district (except for rural, open land, river, and industrial districts), pursuant to the applicable development standards and review process for each zone.

Accessibility – While the Land Use Code does not make specific reference to the accessibility requirements contained in the Fair Housing Act, it incorporates many of these provisions. Division 2.14 of the Land Use Code

addresses enforcement of all building and zoning violations. The Colorado Revised Statutes' Standards for Accessible Housing and City building codes (2009 International Codes with local amendments) address additional accessibility requirements.

In terms of handicap accessibility, the Land Use Code requires a minimum number of parking spaces for the physically handicapped, based on the total number of parking spaces in the lot (at least one space must be designated as a van-accessible space). Handicap parking spaces are to be clearly identified by a sign, and located as close as possible to the nearest accessible building entrance (with appropriately sized loading zone and clearly delineated pathway if not adjacent to building entrance).

The Code also requires all developments to provide curb cuts and ramps to meet the requirements of the International Building Code and Americans with Disabilities Act standards.

Additionally, in terms of building design, primary entrances to single-family dwelling units are generally to be located along the front wall of the building in most residential zone districts. The Code does allow alternatives to this standard if another design is necessary for handicap access. Primary entrances are generally required to face the adjacent street, or must orient to a connecting walkway.

The Land Use Code does not contain any special provisions for making housing accessible to persons with disabilities. However, the Code does contain procedures and criteria for allowing modifications to any of the standards, which persons with disabilities are able to pursue if necessary (see the Procedures and Approvals section for more details).

Housing for Seniors – As with housing for disabled persons, the Land Use Code generally does not distinguish housing for seniors from other types of housing, nor does it have any restrictions for general senior housing. It does, however, contain special provisions related to group homes (including those for seniors, as discussed in the previous section) and long-term care facilities (discussed in detail below). In summary, the Code does not appear to deny housing opportunities for seniors, and it does appear to make reasonable accommodations to making housing accessible to elderly persons.

Long-Term Care Facilities – Long-term care facilities are classified as non-residential, institutional/civic/public uses in the Land Use Code. This “umbrella term” covers the following types of facilities: convalescent centers, nursing care facilities, intermediate health care facilities, and independent living facilities. Long-term care facilities are permitted uses in the residential mixed-use neighborhood zone districts (L-M-N, M-M-N, H-M-N), as well as in a variety of non-residential districts.

Because long-term care facilities are classified as institutional/civic/public uses, the Code's residential development standards do not apply, but such facilities are subject to standards for mixed-use, institutional, and commercial buildings. Most notably, these standards require orientation to a connecting pedestrian walkway, variation in massing, and site-specific design for building character and image. General development standards also require that parking areas be designed to anticipate the needs of users, including pedestrian drop-off areas for land uses that serve the elderly.

While non-residential in nature, adult day/respite care centers are also allowed in most zone districts. Such facilities are permitted to allow overnight stays on a short-term basis, as a subordinate function.

Other Special Types of Housing – The Land Use Code also addresses several other types of unique housing facilities in the community. They include shelters for victims of domestic violence, extra-occupancy rental housing, and fraternity and sorority houses. The development regulations that apply to these other types of housing vary, but in general, they appear to make extra accommodations for housing unique groups in the community, and do not appear to deny opportunities for fair housing.

Procedures and Approvals. The Fort Collins development review procedures, set forth in Division 2.1 of the Land Use Code, do not appear to require special review procedures or processes for any particular groups of people. The process does allow for the granting of variances and/or modifications of standards, provided specific findings can be satisfied. The Code also allows for limited modifications to existing nonconforming uses and existing limited permitted uses.

Variances and Modifications of Standards:

The Code requires the same modification of standards and variance processes for all applicants and for all types of requests. Modification of standards requests may be granted if it can be found that the granting of the modification would not be detrimental to the public good, and that granting of the modification would: (1) promote the general purpose of the standard equally well or better than a compliant plan, (2) substantially alleviate an existing problem of city-wide concern or result in a substantial benefit to the city, (3) result in unusual and exceptional practical difficulties or exceptional or undue hardship on the property owner, or (4) would not diverge from the standards except in a nominal, inconsequential way.

Variances may be granted if it can be found that granting of the variance would not be detrimental to the public good, and that granting of the variance would: (1) not result in unusual and exceptional practical difficulties, or exceptional undue hardship, (2) promote the general purpose of the standard equally well or better than a compliant proposal, or (3) would not diverge except in a nominal, inconsequential way.

The Code does not appear to make any extra or unreasonable requirements for any specific groups or persons who wish to be exempt from certain code requirements. While the modification of standards and variance processes allow for flexibility in the application of standards, the City may want to consider clarifying the findings criteria so that it is clearer as to whether or not making reasonable accommodations or modifications to address handicap accessibility falls within one of these existing criteria.

In 2017 the City revised the Land Use Code to add a process to review requests for reasonable accommodations for qualified individuals under the Fair Housing Act and the Americans with Disabilities Act. This Ordinance establishes an administrative review process and provides criteria to be considered when reviewing a request for a reasonable accommodation.

Public Hearings:

The review of development plans generally follows the same procedural steps established in the Land Use Code. Three different levels of decision-making apply to development projects: Basic Development Review; Type 1 (or Administrative) Review; and Type 2 (Planning and Zoning Board) Review.

Projects that are categorized as Basic Development Review generally include uses that are considered “uses by right.” Basic Development Review projects may be approved without a public hearing provided all applicable development standards are satisfied. Type 1 projects require a public hearing and approval by a City Administrative Hearing Officer. Type 2 projects require a neighborhood meeting and a public hearing and approval by the Planning and Zoning Board.

The decision-making process is determined by the zoning district in which the project is located, and the use(s) proposed. Generally, Basic Development Review uses are most similar to existing development and uses in an area, whereas Type 1 and Type 2 uses may result in more impacts on a neighborhood (thus they require a public hearing). All applicants are required to follow the applicable review and approval processes, and special exceptions are not required for certain groups or types of development. For these reasons, the Code does not appear to create any process impediments to fair housing choice, though it does ensure thorough review and approval by a designated decision-maker.

Reasonable Accommodation:

Intent. It is the policy of Fort Collins to provide reasonable accommodation for exemptions in the application of its zoning laws to rules, policies, and practices for the siting, development, and use of housing, as well as other related residential services and facilities, to persons with disabilities seeking fair access to housing. The purpose of this section is to provide a process for making a request for reasonable accommodation to individual persons with disabilities.

Application. Any person who requires reasonable accommodation, because of a disability, in the application of a zoning law that may be acting as a barrier to equal opportunity to housing opportunities, or any person or persons acting on behalf of or for the benefit of such a person, may request such accommodation. For purposes of this section, "disabled," "disability," and other related terms shall be defined as in the federal Americans with Disabilities Act of 1990 ("ADA"), the Fair Housing Act ("FHA"), or their successor laws. Requests for reasonable accommodation shall be made in the manner prescribed by Division 2.19(C).

Required Information:

1. The applicant shall provide the following information:
 - Applicant's name, address, and telephone number
 - Address of the property for which the request is being made
 - The current actual use of the property
 - Confirmation that the subject individual or individuals are disabled under the Acts. Any information related to the subject individual or individuals' disability shall be kept confidential
 - The specific zoning code provision, regulation, or policy from which accommodation is being requested
 - Why the reasonable accommodation is necessary for the subject individual or individuals with disabilities to have equal opportunity to use and enjoy the specific property
2. *Review with Other Land Use Applications.* If the project for which the request for reasonable accommodation is being made also requires some other development review, then the applicant shall file the information required by Division 2.19(C) together for concurrent review with any other application for development review approval. The application for reasonable accommodation will be decided prior to any concurrent development review application that is affected by the request for reasonable accommodation, including but not limited to applications reviewed by the City Council, Planning and Zoning Board and Zoning Board of Appeals.
3. *Timing of Application.* An application for reasonable accommodation may be filed at any time prior to a final decision on a development application, including any applicable time for appeal.

4. *Effect of Application on Appeals.* Notwithstanding any limitation found in §2-49 or §2-52 of the City Code, filing an application for reasonable accommodation will toll the time for filing an appeal regarding a development application, or hearing an appeal that has been filed, until a decision on the application for reasonable accommodation is rendered.

Review Procedure:

1. *Director.* Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee.
2. *Interactive Meeting.* Upon either the request of the Director or the applicant, the Director or his or her designee shall hold an interactive meeting with the applicant to discuss the reasonable accommodation request in order to obtain additional information or to discuss what may constitute a reasonable accommodation for a particular application.
3. *Director Review.* The Director, or his or her designee, shall make a written determination within forty-five (45) days of receiving an application, or having an interactive meeting, whichever date comes later, and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Division 2.19(E). Information related to the subject individual or individuals' disability shall be kept confidential and shall not be included in a public file.

Findings and Decision

1. *Findings.* The written decision to grant, grant with conditions or deny a request for reasonable accommodation shall be based on consideration of the following factors:
 - a. Whether the property, which is the subject of the request, will be used by an individual disabled under the Acts
 - b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts
 - c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City
 - d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a land use code provision
 - e. Any other applicable requirements of the FHA and ADA.
2. *Conditions of Approval.* In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed

reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Division 2.19(E)(1).

3. *Effect of Approval.* An approval, with or without conditions, of an application for reasonable accommodation will be treated as compliance with the Code section being accommodated but will not affect any concurrent review not related to the reasonable accommodation, except that the decision maker shall amend or modify any concurrent decision to incorporate the approved reasonable accommodation.

Appeal of Determination

The applicant may appeal a determination granting or denying a request for reasonable accommodation to the City Manager in accordance with Chapter 2, Article VI of the Code of the City of Fort Collins. No other review of a reasonable accommodation determination shall be allowed except as expressly provided within this Section.

Summary:

Strengths of the current Land Use Code include:

- Residential districts permit a broad mix of residential uses and densities.
- Emphasis on mixed-use development and integration of housing near services, employment, and transit.
- Group homes are permitted uses in the majority of zone districts and encompass a wide variety of home types.
- Many options and clear standards for long-term care facilities.
- Special populations and types of housing addressed with specific development standards.
- Modification of standards/variance processes are consistently applied to all persons.
- Clear requirements for public hearings and approval of various uses.

Areas for potential improvement include:

- Lack of a clear purpose statement within the Land Use Code that identifies the City's intent to provide fair housing opportunities to all residents and to comply with federal and state law regarding housing choice and availability.
- Need a definition of the term "disability" that is consistent with the Fair Housing Act definition of the term.

- Better alignment of the purpose statements for the residential zone districts with the City's intent to provide fair housing opportunities.
- Expansion of the criteria for granting modification/variance approvals to include making reasonable accommodations to address handicap accessibility.

3.4 Other Topics

Incentivizing Affordable Housing. The City of Fort Collins does not have any zoning regulations that require the provision of affordable housing within development projects (also referred to as “inclusionary zoning”). However, various incentives are in place to encourage the building of affordable housing units by reducing the costs to developers. In order to receive affordable housing development incentives, a project must meet certain criteria as defined in the Land Use Code:

- A housing development is considered affordable if at least 10% of the total dwelling units are affordable to rent or own by households earning 80% or less of Area Median Income (AMI).
- A unit is considered affordable to rent if a household earning 80% or less of AMI pays no more than 30% of its gross monthly income towards rent, including utilities.
- A unit is considered affordable to own if a household earning 80% or less of AMI pays no more than 38% of its gross monthly income towards its mortgage, including principal, interest, and insurance.

The incentives available for affordable housing development are summarized below.

Impact Fee Delay: Impact fees are typically paid at the time that building permits are issued. This incentive allows the developer to delay the payment of those impact fees until a Certificate of Occupancy is issued, or December 1 of that year, whichever happens first (Section 7.5-26 of the Fort Collins Municipal Code & Charter).

Development Review Fee Waiver: All projects are required to pay fees related to the review of a submitted project. This incentive waives certain fees based upon the percentage of affordable units targeted toward 30% AMI and under households that are offered in a project.

For example, if a developer plans to make 40% of the dwelling units affordable to households earning no more than 30%, some of that project's development review fees can be reduced by 40%

While this incentive has been limited to housing authority projects between 2013 and 2017, this was changed to include all developers producing these units in 2017. All waivers are subject to Council's discretion.

Administrative Construction Fee Waiver: Certain construction fees are exempt for affordable housing projects including construction inspection fees, development construction permit fees, right-of-way construction license fees, and street cut fees. The formula for this fee waiver is the same as the Development Review Fee Waiver described in 2) above. Fees are waived based upon the percentage of affordable units being offered in a project.

Priority Processing: Affordable housing projects are eligible to receive an expedited development review and permitting process. Plan review times are generally reduced by one week per round of review, as compared to a typical development application.

Density Bonus: Affordable housing projects proposed in the Low Density Mixed-Use Housing (LMN) zone are eligible to increase the maximum allowed density from 9 to 12 dwelling units per acre.

These incentives for affordable housing development appear to influence fair housing choice in a positive way, by providing more opportunities for affordable housing to be developed throughout the community.

Occupancy Restrictions. Since the 1960s, the City of Fort Collins has enforced occupancy restrictions. The City addresses occupancy to help ensure health and safety of residents, and to help protect the quality and character of neighborhoods. The City's "U plus 2" occupancy ordinance is provided below.

"Occupancy in a residential dwelling unit (single-family, duplex, multi-family) is restricted to:

- one family as defined below (Section 5.1.2) and not more than one additional person
- one adult and their dependents (if any), a second adult and their dependents (if any), and not more than one additional person."

Under the Ordinance, the term "family" shall mean any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking, and eating facilities. The occupancy limits are further defined in the Land Use Code Section 3.8.16.

Under the Ordinance, the following occupancy scenarios are allowed:

- a family (of any size and configuration)
- a family (of any size and configuration) and their nanny
- a family (of any size and configuration) and an exchange student
- two single parents, their kids, and a friend
- two siblings and one friend

- two married couples as long as a familial relationship exists linking the two couples

These are not allowed:

- two couples, married or not, with no familial relationship linking couple A to couple B
- two siblings and their two or more friends
- a family (of any size), a caretaker, and an exchange student

An occupancy disclosure form is required to be signed at the time of lease or sale of any property within the City of Fort Collins. There are two versions of this form, one for the sale of property and one for leasing property. Owners or landlords should keep this form as part of their records. The form is intended to ensure all parties are aware of and understand the occupancy ordinance. If an occupancy complaint is filed on a property, the City will ask the owner or the landlord to provide a copy of a signed occupancy disclosure form.

Several options exist to allow increased occupancy in special circumstances. They include:

- Host family permits, to allow one additional person in single-family, owner-occupied dwellings that operate as host families. Permit conditions include adequate off-street parking, no code violations within the previous 12 months at the premises for which the permit is sought, and a gap of at least 2 months between issuances of host family permits for the same premises.
- Designation of the property as an extra occupancy rental home. Extra occupancy rental houses are permitted uses in some but not all of the City's zone districts, and are subject to the development review process, which may or may not entail a public hearing. Appropriate building permits and a Certificate of Occupancy are also required. Other Code requirements that apply to extra occupancy rental houses include parking, minimum building square footage, and the density/number of extra occupancy rental houses on a block face (in certain zone districts).

In 2018, the City conducted a study to determine both the effectiveness of the ordinance as well as potential unintended consequences. In partnership with Colorado State University (CSU), the Associated Students at Colorado State University (ASCSU), the Board of Realtors (BOR), and neighbors a scope of study was created. Corona Insights was chosen to conduct the study and was coordinated to work around the academic school year.

Primary questions to be answered:

1. Has the occupancy ordinance had an impact on neighborhood quality?
2. Does the occupancy ordinance impact the affordability of housing?

According to the study, the number of households not in compliance with the Occupancy Ordinance has increased over the past 15 years and the types of households that are in violation have evolved since 2005. In the initial 2005 study, it was estimated that 71% of ordinance violators were college students. In the 2018 study, the proportion had shifted dramatically. Only 47% of violators are now estimated to be college students, with 53% estimated to be non-students. This is a notable change because it implies that affordability may be an issue among non-student populations that is leading to larger households.

Violator households tend to either form quickly or be mobile, as nearly half moved into their home within the past year. This mobility may increase the likelihood of conflict if they are new to a neighborhood.

Of particular note is the age profile. While 40% are adults between the ages of 18-21 years old, 47% are older than 21 years, and 13% are children. This influx of adults with children represents a change in the profile over time.

Overall, most residents don't see the ordinance impacting their neighborhood and are split on enforcement. Nearly 4 in 5 residents don't believe that the ordinance has an impact on their neighborhood. Among those who do see an impact, it's more positive than negative. The one exception is that residents in homes that contain college students are more likely to see a negative impact than a positive impact (17% negative versus 11% positive). Residents generally prefer the current level of enforcement over more/less strict enforcement. Again, the exception is residents in homes with college students, who strongly prefer less strict enforcement (8% more strict, 34% less strict).

Development Fees. The City of Fort Collins collects development review fees, construction and building permit fees, and development impact fees, as discussed below.

Development Review Fees: Fees are collected at two separate points in the development review process: once at the submittal of the initial application, and once when the final development plans are submitted. At each stage, the fees are made up of two main components: a planning development review fee and a transportation development review fee.

Development review fees are based on the necessary review process (as identified in the City's Land Use Code), as well as the size and nature of the project. All projects are required to pay fees related to the review of their project. For projects that meet the criteria for affordable housing and have units that target people whose income is no more than 30% area median income (AMI), certain development review fees may be reduced based upon the percentage of 30% AMI affordable units being offered in a project. For example, if a developer plans to make 40% of the dwelling units affordable to households earning no more than 30%, some of that project's development review fees can be reduced by 40%.

Construction and Building Permit Fees: After approval of a development project, the City also collects various construction and building permit fees. The City's building permit fees are based on the building valuation. Other engineering-related constructions

fees may also apply based on the nature of the development project. Certain construction fees are exempt for certain unit types in affordable housing projects including construction inspection fees, development construction permit fees, right-of-way construction license fees, and street cut fees. The formula for this fee waiver is the same as the development review fee reduction; fees are reduced based upon the percentage of 30% AMI affordable units being offered in a project.

Impact Fees: Impact fees collected include the City street oversizing capital expansion fee, County transportation expansion fee, water and sewer plant investment fees and water rights, stormwater plant investment fees, electric undergrounding and development fees, capital improvement expansion fees (including parkland, fire, general governmental services, and police fees), and school district fees. Impact fee requirements vary, based on the size and nature of the project. Impact fees are typically paid at the time that building permits are issued.

The impact fee delay incentive allows the developer to delay the payment of impact fees until a Certificate of Occupancy is issued, or December 1 of that year, whichever happens first. The fees can also be reduced for the 30% AMI units.

The fees charged by the City of Fort Collins for development activities do not appear to result in any impediments or barriers to fair housing choice.

Mobile Home Park Redevelopment. Mobile homes located within the community provide a significant amount of affordable housing. According to the 2018 American Community Survey 5-Year Estimates, approximately 2.3% of all housing units in the City were mobile homes, and a significant number of mobile home developments are located just outside of the City in the unincorporated portions of Larimer County. No mobile home parks have been redeveloped within the growth management area since 2012. Two mobile home parks have changed ownership, but the owners have stated that there will be no change of use. However, some parks have seen significant increases in lot rent prices and market pressures continue to make these properties vulnerable to redevelopment.

The Fort Collins Growth Management Area (GMA) delineates the boundary within which future City growth will occur. As available land in the GMA is developed, there will be an increasing shift towards infill and redevelopment in the more urbanized core of the community. This trend is already occurring in some areas, especially in Downtown Fort Collins, near the Colorado State University campus, in the Midtown area, and along the City's primary transportation corridors.

With this shift from outward to inward-focused development, many property owners begin to consider reinvestment or redevelopment of their properties. This trend is particularly common among owners of mobile home parks. Many of the mobile home parks in Fort Collins have been in the community for numerous years. Characteristics such as single ownership, good locations, and large parcel sizes often make mobile home parks attractive prospects for developers.

Mobile home parks are a unique housing product in the community. Residents own the dwelling units, but not the land on which they reside. Instead of owning the land, residents lease space for their dwelling unit from the mobile home park owner. Thus, if a mobile home park owner decides to sell or redevelop the property, mobile home residents may be displaced. This dynamic presents myriad challenges for the residents, which can be exacerbated by: lack of available space in other mobile home parks in the City; restrictions in some mobile home communities on the age of residents or of the dwelling units; and the expenses residents incur in relocating their homes can be formidable (if a suitable alternative location can be found).

The City of Fort Collins has a number of regulations in the City Code and Land Use Code that address the development standards and requirements of mobile homes and parks. Over the years, several mobile home parks in the City of Fort Collins have closed or redeveloped. The City of Fort Collins has an official policy in place to address the redevelopment of mobile home parks. In 2013 the City passed the Affordable Housing Relocation Displacement Mitigation Strategy. Additionally, because the City recognizes the significant impacts of redevelopment on the affordable housing supply and on existing residents, the City works with residents and developers to address the impacts on a case-by-case basis and may assist with relocation.

The City's current methods for addressing mobile home park redevelopment do not appear to create any legal impediments to fair housing choice, especially because these properties are privately owned, and other fair housing opportunities exist throughout the community (albeit opportunities may be limited due to strong demand). However, mobile home park redevelopment creates significant impacts on residents of these communities, which the City may want to continue to try to mitigate. Many of these residents fall within protected classes because they are lower income, have disabilities, and/or are of racial minorities.

To-date, the City has done an excellent job of handling mobile home park redevelopment (and corresponding relocations) on a case-by-case basis. City staff have played majority roles in coming alongside the transition in the municipal roles of convener and collaborator.

Past functions have included:

- Working with the private landowner and others to provide financial resources for relocation expenses.
- Working with a local housing agency (Neighbor to Neighbor) to provide housing counseling and other resources.
- Holding community meetings to help air concerns and solutions, and to communicate timely, accurate information.
- Having a local non-profit agency specializing in consumer budgeting (GreenPath—Consumer Credit Counseling) come alongside with financial management tools.
- Offering the assistance of the City's Neighborhood Services Division to assist with individual concerns.

While previous efforts have had many best practices components, a comprehensive policy-driven approach lends more predictability for all affected stakeholders. Additionally, the City is participating in a community effort to promote the option of resident-owned parks to see if any of the mobile home community residents are in a position to purchase a park and convert it to a cooperative ownership model, thereby preserving the park.

Instead of dealing with redevelopment projects on a case-by-case basis, some states and communities have adopted policies or regulations to address all mobile home park redevelopment or mitigate the impacts. For example, Bend, Oregon, has a manufactured home park redevelopment zoning district, which is intended to provide incentives to park owners to continue the use of the land as a manufactured home park, and when redevelopment does occur, provides a mechanism for capturing a portion of the redevelopment potential as affordable housing (see City of Bend Development Code, Section 2.7.900).

Another example is the State of California, where mobile homeowners are entitled to relocation assistance, pursuant to uniform state standards for the closing of mobile home parks. These standards ensure that every city has the same rules to protect residents and property owners (see the California Mobile Home Park Residency Law [MRL]). The City of Fort Collins has adopted formal policies related to mobile home park redevelopment in order to reduce impediments to fair housing choice for mobile home park residents displaced by redevelopment activities.

Mobile Home Park Redevelopment Moratorium

In April 2019 City Council adopted the updated City Plan (the comprehensive plan for the City of Fort Collins), with specific policies related to improving access to housing that meets the needs of residents, regardless of their race, ethnicity, income, age, ability or background. Policies LIV 6.4, Permanent Supply of Affordable Housing, LIV 6.9, Prevent Displacement, and LIV 6.10, Mitigate Displacement Impacts are specifically relevant to mobile home parks.

Mobile home parks are an important source of affordable housing for lower income working families, seniors, and people with disabilities living in Fort Collins, and the redevelopment of mobile home parks can create unusual hardships if residents cannot afford to pay to move their mobile homes or belongings or cannot find affordable replacement housing. Upon redevelopment of a mobile home park, a mobile home owner must not only move their personal belongings, but must also move the house itself which is complicated by issues including: lower value homes not being cost-effective to move, older homes not being able to withstand relocation, and some parks prohibiting the relocation of mobile homes constructed before 1976 because such homes predate safety standards.

In the recent legislative session, the Colorado General Assembly passed HB 19-1309 concerning the regulation of mobile home parks (“HB1309”), which acknowledges that mobile home park tenants and landlords have rights and responsibilities under the state’s Mobile Home Park Act (the “Act”) and encourages local governments to play an active role in ensuring the Act is upheld, by giving counties and municipalities the power to adopt and enforce ordinances and resolutions to provide for the safe and equitable operation of mobile home

parks in their jurisdictions. In consideration of the need to maintain and expand affordable housing in the City, the relevant policies set forth in City Plan, and the regulatory opportunities provided by HB1309, in July 2019 City Council imposed a moratorium on the redevelopment of existing mobile home parks where such development could result in the partial or total closing or reduction in capacity of any existing mobile home park.

The moratorium period is necessary to provide City staff and Council the time to research, formulate, and discuss what local ordinances to enact, either alone or in coordination with Larimer County, to further City Plan principles and policies, uphold the principles of the Act, and protect the citizens of Fort Collins. The moratorium is imposed upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence and remains in effect through August 30, 2020, or until Council adopts an ordinance containing regulations that address the identified issues and concerns described above.

A Mobile Home is defined in the Land Use Code as "a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation." A Mobile Home Park is defined in the Land Use Code as "a parcel of land which has been planned, improved or is currently used for the placement of mobile homes and contains more than one mobile home lot."

Section Four: Evaluation of Current Fair Housing Legal Status

This section of the Fort Collins AI addresses fair lending and fair housing complaints. The first part examines complaint data and legal cases related to fair housing violations in Fort Collins. The second part of this section contains an analysis of mortgage loan and community reinvestment data to detect fair lending concerns.

4.1 Fair Housing Laws

State fair housing law. The State of Colorado has a state law that prohibits housing discrimination (Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices).¹¹ The state law offers the same protections as the Fair Housing Act, in addition to providing protections based on marital status, creed, ancestry and sexual orientation.

The Colorado Civil Rights Division (CCRD) maintains formal work-sharing agreements with HUD and, through this relationship, has the authority to investigate and resolve housing discrimination complaints.

CCRD has exclusive jurisdiction in situations in which Federal antidiscrimination laws do not apply— e.g., in enforcing cases involving sexual orientation as a basis for housing discrimination and in certain cases of discrimination related to lack of public accommodations and discriminatory advertising.

City ordinance. Section 13-18 of the City’s municipal code prohibits discriminatory housing practices in the City of Fort Collins. Protected classes under the city ordinance include: race, color, religion, national origin, sexual orientation, sex or marital status or because of the race, color, religion, national origin, sex or marital status of the other person's friends or associates.

4.2 Fair Housing Complaint Process

Residents of Fort Collins who believe they have experienced discrimination in violation of the Federal Fair Housing Act (FHA) or state fair housing laws may report their complaints to the following entities:

- HUD’s Office of Fair Housing and Equal Opportunity (FHEO)
- The Colorado Civil Rights Division (CCRD)
- The Colorado Division of Real Estate (certain transactions)
- The City Manager in Fort Collins

- The Colorado Cross-Disability Coalition (CCDC), as qualified
- Colorado Legal Services
- The Legal Center for Persons with Disabilities and Older People

Timeframes vary by organization to file a complaint. In Fort Collins, victims have 60 day from the date of the alleged discrimination to file a complaint. The following section discusses the investigation process by the various complaint-taking organizations.

Department of Housing and Urban Development (HUD). Housing discrimination complaints filed with HUD may be done online; by calling toll free at 1-800-669-9777; or by contacting the Office of Fair Housing and Equal Opportunity in Washington D.C., or the HUD Denver Regional Office of Fair Housing and Equal Opportunity.

When HUD receives a complaint, HUD will notify the person who filed the complaint and will normally notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD will try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached. HUD will then recommend that the Attorney General file suit.

If HUD has determined that a state or local agency has the same housing powers (“substantial equivalency”) as HUD, they will refer the complaint to that agency and will notify the complainant of the referral. CCRD is a substantially equivalent local agency (see the CCRD process in the following section). CCRD must begin work on the complaint within 30 days or HUD may take it back.

If during the investigative review and legal processes, CCRD or HUD finds that discrimination has occurred, the case will be heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in Federal district court.

If a person needs immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist as soon as a complaint is filed. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if irreparable harm is likely to occur without HUD's intervention and there is substantial evidence that a violation of the Fair Housing Act occurred.

Colorado Division of Civil Rights (CCRD). The Colorado Civil Rights Division is charged with enforcing the state's anti-discrimination laws in the areas of employment, housing and public accommodation.

Alleged victims must first complete a housing intake packet. The packet is available online¹⁴ or may be requested toll free at 1-800-262-4845, and includes a housing intake form, a statement of discrimination and an authorization to release information. Once CCRD receives a fully completed intake packet, the housing intake staff will draft a charge of discrimination, which must be signed by the complainant. After CCRD has received a fully executed charge of discrimination, a copy is served promptly on the respondent and the investigative process is initiated. As part of the investigation, the respondent will be asked to provide a written response to the allegation(s). The person filing the complaint will be provided with a copy of the respondent's position statement and will be afforded an opportunity to submit a rebuttal. The Division also affords the parties the opportunity to participate in a voluntary mediation conference prior to the initiation of the investigation. If the parties wish to avail themselves of the mediation process, they can contact CCRD's representative.

If mediation is not held or is unsuccessful, the case will be assigned to a housing investigator. The investigator will analyze all information related to the case and may request information as needed. After the investigation is complete, the investigator writes a summary report and Letter of Determination.

The Letter of Determination states the facts of the case and provides an analysis of the case. If the preponderance of the evidence supports the allegation of discrimination, a finding of Probable Cause is issued. Conversely, if the evidence does not support the claim, a finding of No Probable Cause is issued. Along with the dismissal of the claim, the person filing the complaint is issued a notice of Right to Sue. A Right to Sue Notice allows the person to proceed in court, if desired.

In a No Probable Cause finding, the complainant has the opportunity to appeal that decision to CCRD.

If a finding of Probable Cause is issued, Colorado law mandates that a conciliation conference be held. A conciliator is assigned to work with both parties to try to resolve the complaint. If successful, a formal agreement with the specifics of the settlement is drafted by the mediator and signed by both parties. If efforts to conciliate the case fail, the Director of the Division may issue a dismissal notice along with a Right to Sue letter, allowing the complainant to proceed to court. In some cases, CCRD may authorize the case for hearing before an Administrative Law Judge, with the administrative hearing to begin within 120 days after service of the written notice of hearing and complaint is filed.

In addition to investigative activities, CCRD staff have written educational curriculum on housing discrimination for licensed real estate agents. The staff also assists or provides training materials to relevant entities, such as human relation commissions, apartment associations and/or law firms.

Colorado Division of Real Estate. The Colorado Division of Real Estate takes complaints against real estate brokers, appraisers and/or mortgage brokers. Complaints can be filed online¹⁵ or complaint packets may be requested by calling the Division at 303-894-2166 or 303-894-2185. The Commission receives an average of 1000 written complaints per year against brokers, salespersons, subdivision developers and appraisers. Approximately

15% of those result in some form of disciplinary action. The following information regarding investigations is for the benefit of licensees and the public.

The processes for investigating a complaint differ slightly depending on if the complaint involves an appraisal, a broker, or a real estate agent.

When a written complaint is received, it is reviewed and assigned to an investigator. The investigator determines the proper respondent(s) based on information on the complaint. Respondents are added or dismissed throughout the course of the investigation as additional information becomes available. A letter, with a copy of the complaint, is sent to the respondent(s), requesting a response within 14 days. At the same time, a letter is mailed to the complainant, acknowledging receipt of the complaint.

The investigator analyzes the complaint, response and pertinent documents to determine possible license law violations. All parties to the complaint, as well as witnesses, are interviewed. The investigator also contacts attorneys, mortgage companies, title company personnel and others who have knowledge of the situation. Additional documents may be sought from county offices and civil courts.

Upon completion of the investigation, the investigator prepares a written report concerning the facts that have been obtained. At that time, the complaint may be dismissed on the basis of insufficient evidence of a license law violation or for lack of jurisdiction. If that is the case, all parties to the complaint will receive letters informing them of the disposition.

If, however, the facts obtained appear to indicate a violation of license law, the report is submitted to the appropriate Board or Commission for consideration. At this time, the Board/Commission may vote to dismiss, admonish the respondent(s), or refer the matter to a formal hearing. The Board/Commission has the discretion to summarily suspend the licensee if there appears to be an immediate danger to the public.

If the matter proceeds to a formal hearing, it is held in accordance with Colorado state law(s). After hearing the matter, the Administrative Law Judge makes an Initial Decision, which is forwarded to the parties and the Board/Commission for their review. The Initial Decision includes findings of fact and conclusion of law. The Board/Commission may or may not adopt the Initial Decision. The respondent licensee may file objections to the Board within 30 days after receiving the Initial Decision. After consideration of the Initial Decision and any objections that may be filed, the Board/Commission may vote to adopt the Initial Decision, or it may vote to modify the Initial Decision by increasing or decreasing the penalty. The Board/Commission may also vote to remand the Initial Decision for clarification or rehearing.

After the Board has issued its order in the matter, the licensee may appeal the case to the Court of Appeals and, in some instances, appeal again to a higher court.

City of Fort Collins. Complaints must be filed within 60 days of the alleged violation, or 30 days after any complaint concerning the same matter has been dismissed by another agency without a final judgment on the merits, whichever shall last occur. The main number to call to

start a complaint process or get information is the Equal Opportunity and Compliance Office in the City Manager's office at 970-416-4254.

Complaints must be filed under oath with the City Manager. The City requires that complaints contain the following information: "... the name of the alleged violator, or set forth facts sufficient to identify such person, and include an outline of the material facts upon which the complaint is based and the date of the alleged violation. In addition, the complaint shall state, if and as applicable, that any acts or conduct of the complainant were for the purpose of accomplishing the real estate transaction, employment objective or public accommodation use in question, and not for the purpose of harassment or entrapment of the person against whom the complaint is made.

The complaint must state:

1. Whether or not a complaint concerning this same matter has been filed with another agency; and
2. Whether any complaint concerning this same matter that has been filed with another agency has been dismissed without a final judgment on the merits.

The City Manager makes the determination to proceed with a local investigation or for the complaint to be referred to CCRD. If CCRD dismisses the complaint without a final judgment on the merits or waives jurisdiction, the City Manager shall proceed with an investigation. In any event, the City Manager shall furnish a copy of the complaint to the respondent within 10 days after the complaint is filed with the City.

The City Manager shall render a probable cause determination within 120 days from the date of the City's receipt of the initial complaint or the date of the City's receipt of notice from such other agency that the complaint has been dismissed without final judgment.

If the complainant is dissatisfied with the City Manager's decision to dismiss the complaint, the complainant shall have the right to appeal such decision to the Human Relations Commission. This must be filed within 30 days of the complainant's receipt of the notice of dismissal.

Colorado Cross-Disability Coalition (CCDC). The Colorado Cross-Disability Coalition, or CCDC, is dedicated to ensuring the independence, self-reliance and full participation of people with all types of disabilities in Colorado. CCDC can be contacted online or the Advocacy Program department can be reached by phone at 303-839-1775, option 2. The CCDC Legal Program brings lawsuits on behalf of CCDC and its members to enforce the Americans with Disabilities Act (ADA) and other statutes that protect the civil rights of persons with disabilities.

Colorado Legal Services and Disability Law Colorado. Colorado Legal Services and Disability Law Colorado provide legal assistance to low income persons and seniors. In addition to various other types of cases, the organizations assist qualifying households with fair housing issues. Their services depend on the potential case but range from advice from an attorney to legal assistance and representation in court. You may contact Legal Services

online (coloradolegalservices.org/) or phone Disability Law Colorado at 1-800- 288-1376. Each organization has established priorities for their cases, which determines the types of cases that are investigated if there is a need to prioritize. Disability Law Colorado prioritizes its fair housing advocacy work to assist Coloradans with disabilities in obtaining affordable, accessible housing. The organization assists people with disabilities that are in jeopardy of losing their housing for reasons related to disability and accessibility, in addition to advocating for the provision of legally required accommodations.

City responsiveness. The Neighborhood Services Department offered its mediation services (not legal advice) and provided contact information for Colorado Legal Services (970-493-2891) and the Larimer County Justice Center's pro bono legal clinic (970-402-2075). The home page of the Community Development and Neighborhood Services section of the City of Fort Collins' website features a fair housing workshop video. This video, plus links to landlord/tenant information and rental housing standards, HUD, Colorado Civil Rights Division, and Colorado Division of Housing searchable housing database are included on the Social Sustainability department's Fair Housing webpage. This page features the fair housing definition, prohibitions, and a section on additional protections for people with disabilities. Social Sustainability also maintains a webpage on Discrimination Complaints¹⁹ that includes information and contacts for Fair Housing, ADA Compliance, Title VI, and federal discrimination hotlines for health and human services, housing, LGBTQ+ housing, education and employment. It also includes contact information for the Colorado Civil Rights Division.

4.3 HUD Complaint Trends

SSD staff obtained complaint data for the city of Fort Collins from HUD for January 1, 2014 through December 31, 2019. During this period, 30 complaints were filed. Since June 2017, no new fair housing complaints have been filed through the City of Fort Collins.

Figure V-1 presents the number of complaints filed by year. Compared to 2014, there was an uptick in reported complaints in 2015 and 2016 and a decrease in reported cases from 2017 to 2019.

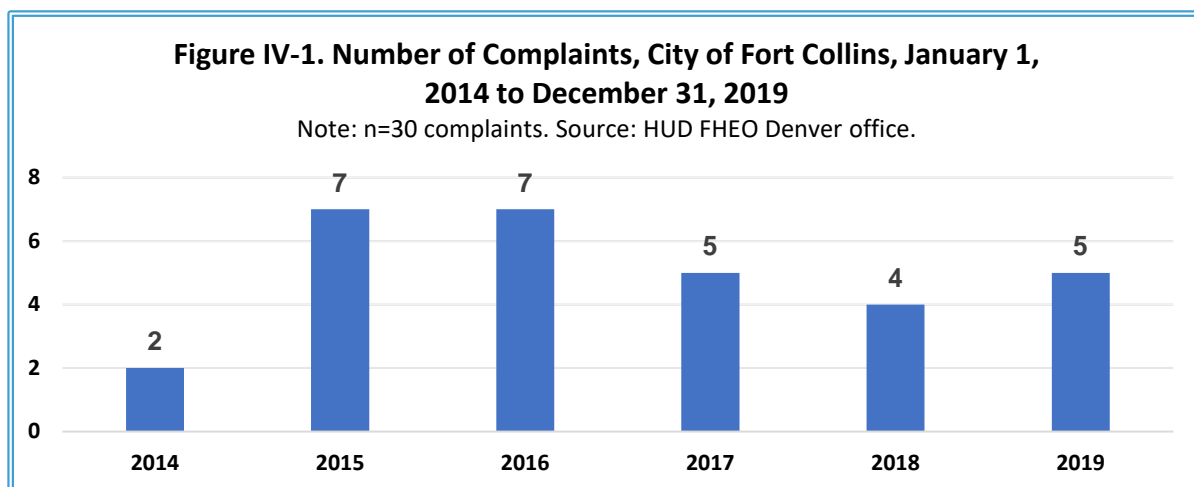


Figure IV-2 displays the basis for the complaints filed — that is, the type of protected class whose rights were allegedly violated. As shown, 60% of complaints filed cite disability as a basis for the complaint. Retaliation and familial status comprise the second and third greatest proportion of complaints.

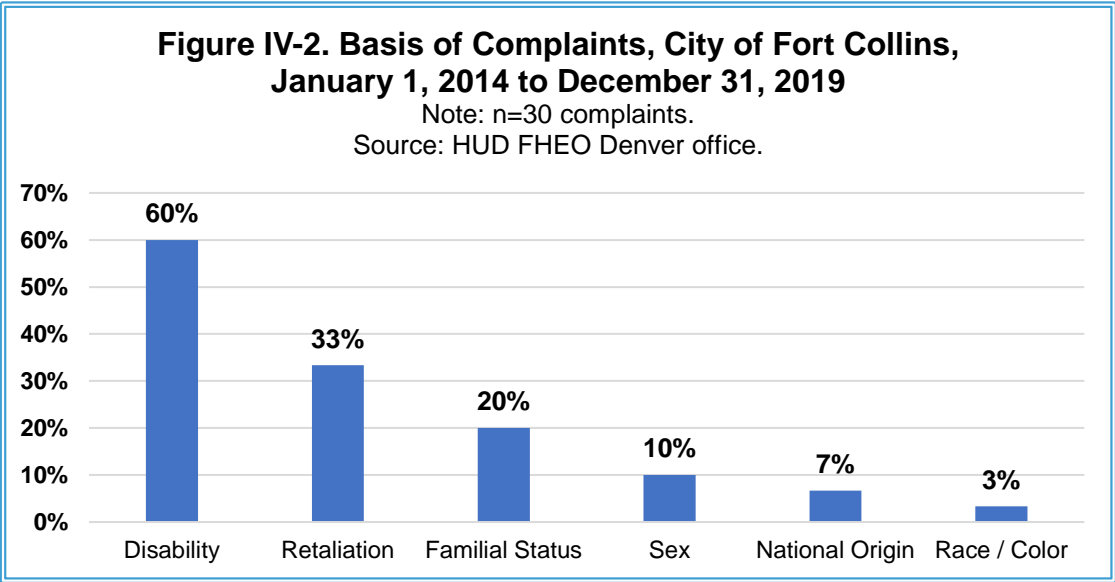
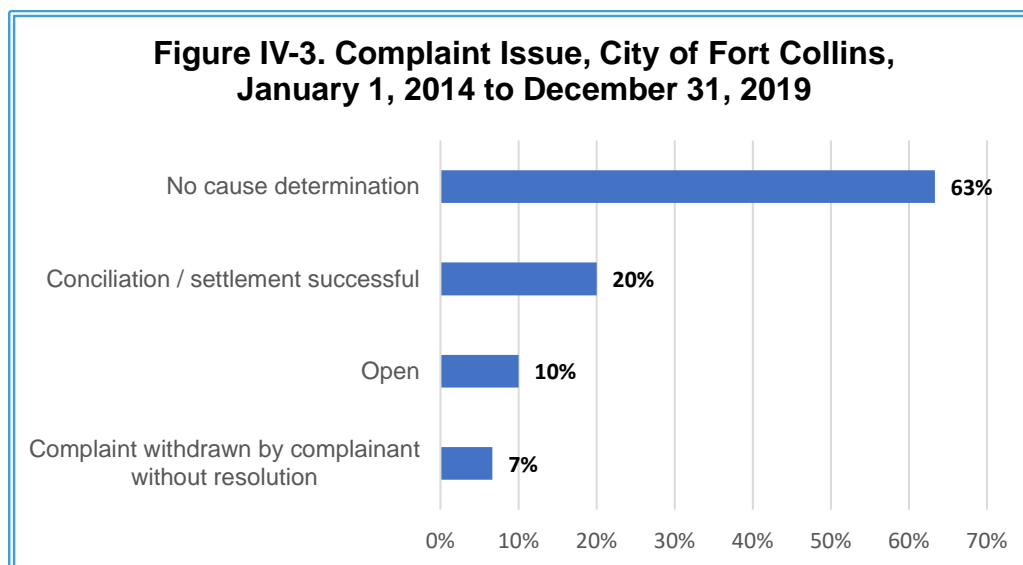


Figure IV-3 represents the issues involved in each of the complaints filed. Note that the percentages add to greater than 100% due to some complaints involving multiple bases. The highest reported complaint reported “failure to make a reasonable accommodation” (43%) and an issue. The second and third highest reported issues were “discriminatory terms, conditions, privileges, or services and facilities” (40%) and “otherwise deny or make housing unavailable” (33%), respectively.

Figure IV-3. Complaint Issue, City of Fort Collins, January 1, 2014 to December 31, 2019 Note: n=30 complaints	
Issue	Percent
Failure to make reasonable accommodation	43%
Discriminatory terms, conditions, privileges, or services and facilities	40%
Otherwise deny or make housing unavailable	33%
Discriminatory acts under Section 818 (coercion, etc.)	23%
Discriminatory advertising, statements and notices	23%
Discrimination in terms / conditions / privileges relating to rental	20%
Discriminatory refusal to rent	17%
Failure to permit reasonable modification	10%
Discrimination in terms / conditions / privileges relating	7%
Other discriminatory acts	3%
Steering	3%
Discrimination in the terms / conditions for making loans	3%
Discrimination in the making of loans	3%
Discriminatory financing (includes real estate	3%
Discriminatory refusal to rent and negotiate for rental	3%
Source: HUD FHEO Denver Office	

Figure IV-4 represents the closure type for each of the 30 complaints. As shown, more than 60% of complaints are closed with a “no cause determination.” The open complaints were all filed in 2019.



Legal Cases. To examine current issues in fair housing, the U.S. Department of Justice database was examined for recent fair housing lawsuits in Fort Collins. There were no cases listed in Fort Collins in the Housing and Civil Enforcement section of the U.S. Department of Justice website. Additionally, the City has not received any complaints since the 2017 update to the Analysis of Impediments.

4.4 Fair Lending Analysis

This section contains an analysis of home loan and community reinvestment data. Community Reinvestment Act (CRA) ratings and Home Mortgage Disclosure Act (HMDA) data are commonly used in AIs to examine fair lending practices within a jurisdiction. Beginning in 2004, HMDA data include interest rates of high cost loans, which allows an analysis of high cost lending patterns.

Community Reinvestment Act. The CRA requires that financial institutions progressively seek to enhance community development within the area they serve. On a regular basis, financial institutions submit information about mortgage loan applications as well as materials documenting their community development activity. The records are reviewed to determine if the institution satisfied CRA requirements. The assessment includes a review of records as related to the following:

- Commitment to evaluating and servicing community credit needs
- Offering and marketing various credit programs
- Record of opening and closing of offices
- Discrimination and other illegal credit practices
- Community development initiatives

A rating for each institution is determined based on their performance in the previously mentioned areas. Ratings for institutions range from substantial noncompliance in meeting credit needs to an outstanding record of meeting community needs.

Since 2000, six banks with headquarters in Fort Collins have had at least one CRA exam. All of these banks received strong ratings. Of the 13 examined, five were given “Outstanding” ratings and eight were given “Satisfactory” ratings. None were rated “Needs Improvement” or in “Substantial Noncompliance.” Between 2012 and 2017, only one additional rating was generated—one large bank received a renewed rating of Satisfactory in 2015. In 2018 an additional 2 banks were rated and scored Satisfactory (source: <https://www.ffiec.gov/craratings/>).

Mortgage lending data. HMDA data are widely used to detect evidence of discrimination in mortgage lending. In fact, concern about discriminatory lending practices in the 1970s led to the requirement for financial institutions to collect and report HMDA data. The variables contained in the HMDA dataset have expanded over time, allowing for more comprehensive

analyses and better results. However, despite expansions in the data reported, HMDA analyses remain limited because of the information that is not reported.

As such, studies of lending disparities that use HMDA data carry a similar caveat: HMDA data can be used to determine disparities in loan originations and interest rates among borrowers of different races, ethnicities, genders and location of the property they hope to own. The data can also be used to explain many of the reasons for any lending disparities (e.g., poor credit history). Yet, HMDA data do not contain all of the factors that are evaluated by lending institutions when they decide to give a loan to a borrower. Basically, the data provide a lot of information about the lending decision—but not all of the information.

Since 2004, HMDA data contain the interest rates on higher-priced mortgage loans. This allows examinations of disparities in high-cost and subprime loans among different racial and ethnic groups. It is important to remember that subprime loans are not always predatory or suggest fair lending issues, and that the numerous factors that can make a loan “predatory” are not adequately represented in available data. Therefore, actual predatory practices cannot be identified through HMDA data analysis. However, the data analysis can be used to identify where additional scrutiny is warranted, and how and where public education and outreach efforts should be targeted.

HMDA data report several types of loans. These include loans used to purchase homes, loans to make home improvements and refinancing of existing mortgage loans, as defined below.

- **Home purchase loan.** A home purchase loan is any loan secured by and made for the purpose of purchasing a housing unit.
- **Home improvement loan.** A home improvement loan is used, at least in part, for repairing, rehabilitating, remodeling or improving a housing unit or the real property on which the unit is located.
- **Refinancing.** Refinancing is any dwelling-secured loan that replaces and satisfies another dwelling-secured loan to the same borrower. The purpose for which a loan is refinanced is not relevant for HMDA purposes.

The HMDA data are separated into two primary loan categories: conventional loans and government guaranteed loans. Government-guaranteed loans are those insured by government agencies—for example, the Federal Housing Administration, the Veterans Administration or the U.S. Department of Agriculture.

This section uses the analysis of HMDA data to determine disparities in lending and loan denials across different racial and ethnic groups.

Loan applications. During 2010, there were 7766 loan applications made in Fort Collins secured by residential properties that intended to be occupied by owners. Over two-thirds (69%) of the loan applications were for refinances, 28% were for home purchases and 2% were for home improvement. About 6,300 of these loans were conventional loans and the rest were government-guaranteed loans. In 2016 there were 7426 conventional loan applications

initiated, 1310 initiated for home improvement, and 14,371 initiated for refinance. These numbers include 1 to 4 family and manufactured homes.

Figure IV-5. Action Taken on Loan Applications City of Fort Collins, 2016		
Outcome	Number	Percent
Loans Originated	5,665	76%
Applications approved but not accepted	236	3%
Applications denied by financial institution	442	6%
Applications withdrawn by applicant	863	12%
Files closed for incompleteness	220	3%
Source: HMDA, 2016		

Denial rates by race, ethnicity and income. Figure IV-6 presents loan outcomes by race and ethnicity. Denial rates were highest for the city's Hispanic population—20% compared to 5% for non-Hispanics. Four percent of loan applications submitted by African American residents were denied, compared with 5% of applications submitted by Whites.

Figure IV-6. Action Taken on Loan Applications by Race / Ethnicity City of Fort Collins, 2016			
Race / Ethnicity	Percent originated	Percent approved but not accepted by applicant	Percent Denied
Overall	76%	3%	6%
Asian	71%	5%	9%
Black or African American	60%	0%	4%
White	77%	4%	5%
Hispanic or Latino	60%	5%	20%
Non-Hispanic or Latino	78%	3%	5%
African American / White Difference	-17%	-3%	1%
Asian / White Difference	-6%	-2%	-4%
Hispanic / non-Hispanic Difference	-18%	2%	-15%
Source: HMDA, 2016			

Reasons for denial. HMDA data also contain summary information on the reasons for denial by type of loan and applicant characteristics, which can help explain some of the variation in approval rates among applicants. Figure IV-7 shows the reasons for denials of loan applications by race and ethnicity. In 2016 Asian and Hispanic denials due to credit history were highest, with no data available on denial reasons for African American applicants. Debt-to-income ratio is the primary reason for application denials for White, Hispanic and non-Hispanic borrowers. The primary reason for denial for Asian applicants is unverifiable

information, and the second most common reason for Hispanics and non-Hispanics is collateral. Denial for credit history is also significantly higher (13%) for Hispanic/Latino applicants than for non-Hispanic/Latino applicants (9%). Hispanic/Latino applicants are also denied loans at a higher proportion than non-Hispanic/Latino applicants at nearly every income level.

Figure IV-7. Reasons for Denial by Race/Ethnicity City of Fort Collins, 2016									
	Debt to income ratio	Employment history	Credit history	Collateral	Insufficient cash	Unverifiable information	Credit App Incomplete	Mortgage Insurance Denied	Other
Overall	24%	3%	10%	20%	7%	14%	14%	1%	7%
Race									
Asian	13%	0%	13%	19%	6%	25%	13%	0%	13%
Black or African American	0%	0%	0%	0%	0%	0%	0%	0%	0%
White	25%	3%	9%	22%	6%	13%	13%	0%	7%
Ethnicity									
Hispanic or Latino	38%	0%	13%	25%	13%	0%	0%	0%	13%
Non-Hispanic or Latino	24%	4%	9%	22%	6%	13%	13%	1%	7%
Source: HMDA, 2019									

Figure IV-8. Denials by Ethnicity and Income City of Fort Collins, 2015				
Note: According to HMDA, the AMI for Fort Collins was \$74,900. This AMI was used to calculate income levels.				
	Less than 50%AMI	50% - 99% AMI	Greater than 100% AMI	Grand Total
Overall	2%	3%	4%	10%
Hispanic or Latino	17%	8%	4%	30%
Non-Hispanic or Latino	1%	3%	5%	8%
<i>Hispanic / non-Hispanic Difference</i>	16%	5%	-1%	22%
Source: HMDA, 2015				

Subprime analysis. This section examines how often Hispanics in Fort Collins received subprime loans compared to non-Hispanics. For the purposes of this section, we define “subprime” as a loan with an APR of more than three percentage points above comparable Treasuries. This is consistent with the intent of the Federal Reserve in defining “subprime” in the HMDA data. In 2016 only 6 subprime mortgages were originated (of reported pricing data available); all 6 were to non-Hispanic persons, 3 of which were White, one multiracial, and one

without race reporting available. All 6 were to households earning 120% or more of the area median income. It should be noted that pricing data was available for only 69 of the 4303 loans originated (conventional home-purchase, first lien, owner-occupied dwelling, excluding manufactured homes). This data was not available for 2017 through 2019.

Section Five: Community Perceptions of Fair Housing Choice

5.1 Summary of Community Perceptions

This section details the results of the public outreach process for the Analysis of Impediments to Fair Housing Choice. Write-in responses are unedited.

Public Input Elements. The public input portion of the AI included the following elements:

- A paper and online resident survey offered in Spanish and English—53 community members responded
- An online stakeholder survey—55 stakeholders responded
- The online resident and stakeholder surveys were distributed to stakeholders electronically and promoted by housing partner organizations
- Participants at a Home 2 Health community event were invited to take the survey in person

Primary Findings

Resident Survey key findings include:

- Cost is the primary reason residents identified for their current home selection. Other common factors include liking the home or neighborhood, proximity to employment, and size of the unit.
- Sixty-three percent of respondents expressed a desire to move from their current home. Of those who would like to move, 57% prefer to move inside Fort Collins' city limits. Many would like to purchase a home.
- The primary factors preventing respondents from moving included cost, school(s), and employment. Nearly 50% identified affordability as a barrier to moving.
- Most residents feel they are somewhat or very knowledgeable about housing opportunities in Fort Collins outside of their current neighborhood.
- When asked to identify the primary factors desired in a new housing unit or location, respondents identified proximity to work, transportation, amenities, and their or their children's school as the primary factor. Second, respondents identified neighborhood quality and safety. Cost/affordability was the third-most identified important factor in selecting a new place to live.

- Seventy percent of residents surveyed have tried unsuccessfully to find housing they could afford in Fort Collins.
- Seventy-eight percent of residents had not encountered issues accessing public transportation.
- Eighty-one percent of respondents said it is at least somewhat important that they live near people who are similar to them and their family.
- Approximately 60% of respondents agree that “People like me and my family are welcome in Fort Collins.” Those disagreeing with the statement cite race and ethnicity as reasons for feeling unwelcome.
- Only a little over half of respondents believe that all residents in their neighborhood or apartment complex are treated equally. Those respondents who believe that people in their neighborhood or apartment complex are treated differently cite race and income as the discriminatory factors.
- The most serious barriers to fair housing choice residents identified are income, lack of rental or ownership housing they can afford, housing they can afford is too far from work, concentrations of affordable housing in certain areas, and occupancy restrictions.

Stakeholder Survey key findings include:

- Stakeholder respondents primarily are providers of affordable housing and social services; and serve the whole of Larimer County.
- The majority of respondents have received fair housing training but had a mixed ability to identify protected classes.
- Nearly half of respondents believe there is adequate information, resources, and training on fair housing laws available in Fort Collins.
- Stakeholders identified lack of affordable housing near employment options and income levels of minority and female-headed households as the most serious economic, demographic and housing barriers to fair housing choice in Fort Collins.
- Land use code and zoning overall were not identified as barriers to fair housing choice and were not identified as contributing to segregation. However, occupancy restrictions, limitations on density, and restrictive covenants were identified as areas of concern.
- Stakeholders rated lack of transit options for low-income, disabled, and senior residents; access to public transit in areas with affordable housing; and lack of knowledge of fair housing among residents and landlords as the most serious capacity issues to fair housing choice.

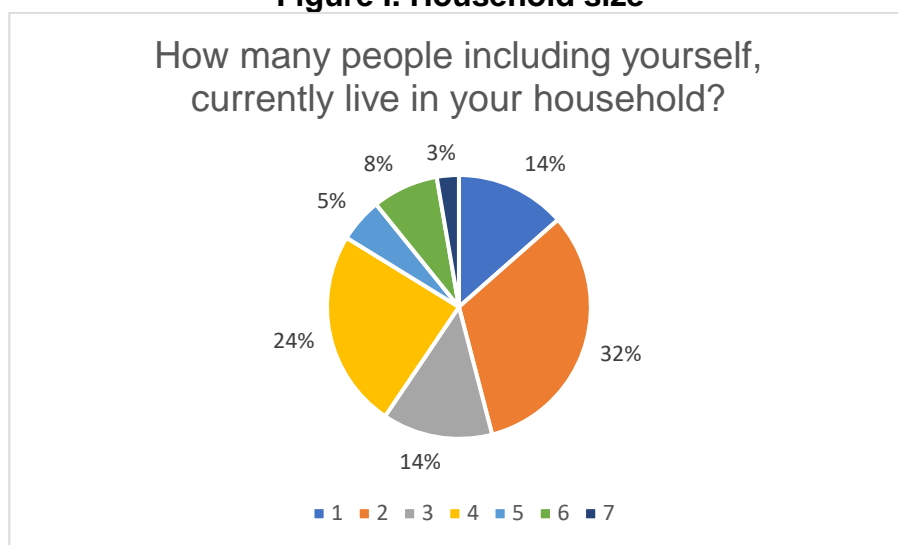
- On average, lending activities were not considered to be a substantial barrier to housing choice, and 90% of respondents did not believe predatory lending practices are a problem in Fort Collins.
- Stakeholders did not consider real estate activities to be particularly serious barrier. Among those evaluated, housing providers refusing to make reasonable accommodations for tenants with disabilities was the most serious.
- Affordability was identified as a primary concern in fair housing choice among stakeholders.
- Stakeholders believed that public transit, health care, social services, and accessible streets and sidewalks are not delivered equitably in Fort Collins. By contrast, financial and lending practices as well as parks and recreation are considered equitably distributed in the community.

5.2 Resident Survey Responses

A total of 53 residents participated in the survey. Resident survey respondents tend to be lower income, between 20 and 29 years of age, female, students, have lived in Fort Collins five years or less, and have some college education. A larger percentage of people who identify as Hispanic/Latinx participated in the survey compared to the population of Fort Collins.

Household size. Eighty-four percent of respondents live in a household of four or fewer people; 16% live in households with 5 or more members. **Figure 1** presents respondents' household size.

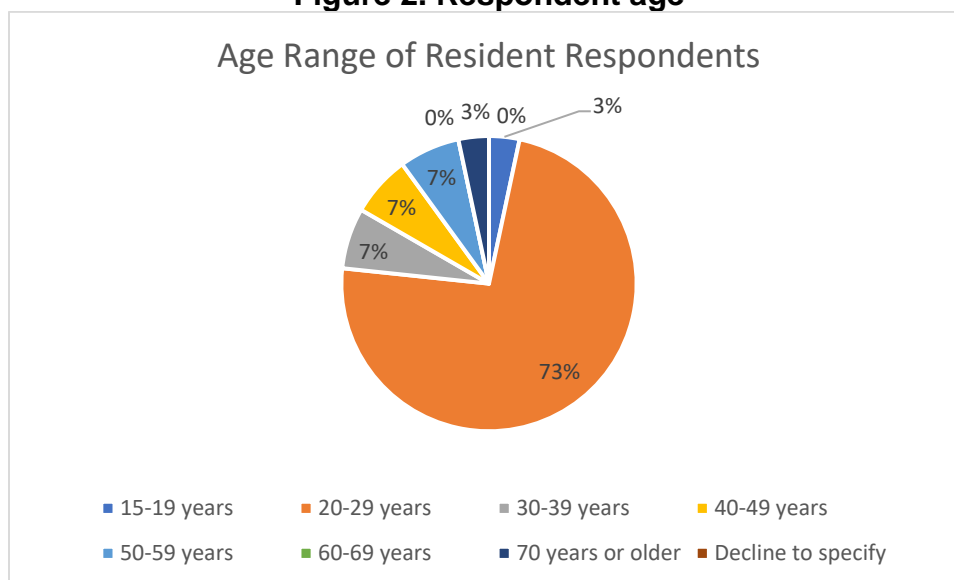
Figure I. Household size



Children in the home. Twenty-four percent of respondents have children under the age of 18 living in their home. This is approximately proportionate to Fort Collins overall (25%).

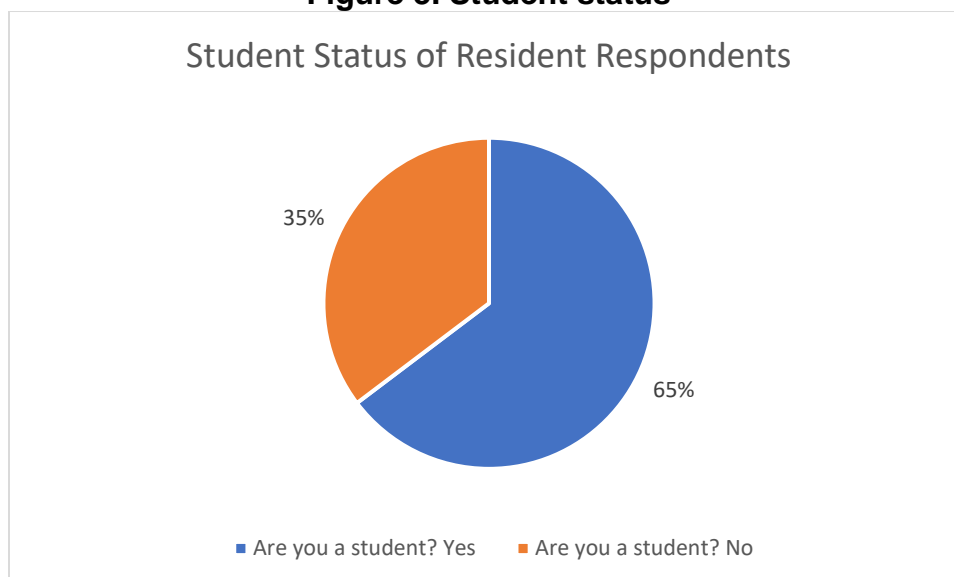
Respondent age. Seventy-three percent of respondents are between the ages of 20 and 29. One partner organization specifically shared paper copies of the survey with clients who are students of Colorado State University, which may contribute to this trend.

Figure 2. Respondent age



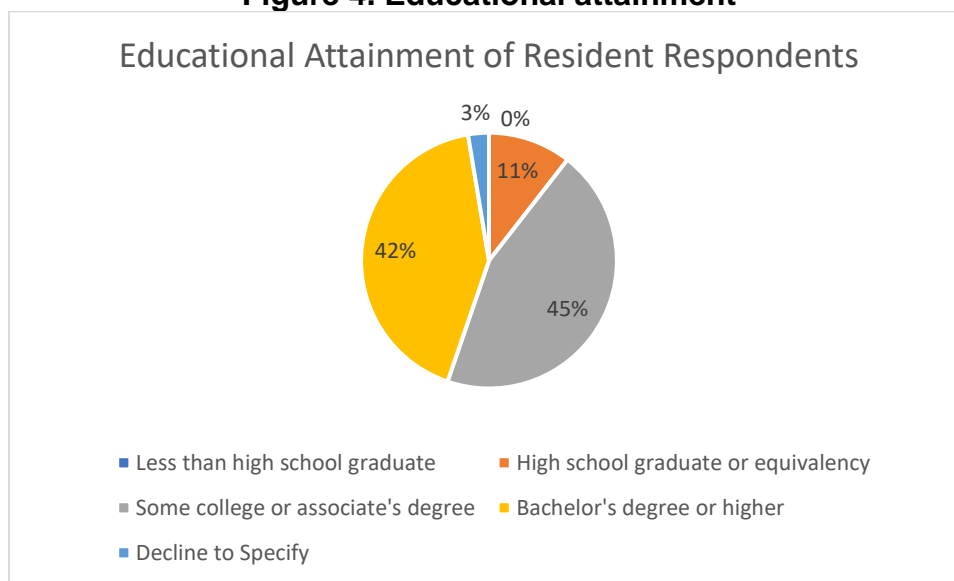
Student status. Thirty-five percent of respondents are students, as shown in **Figure 3**.

Figure 3. Student status



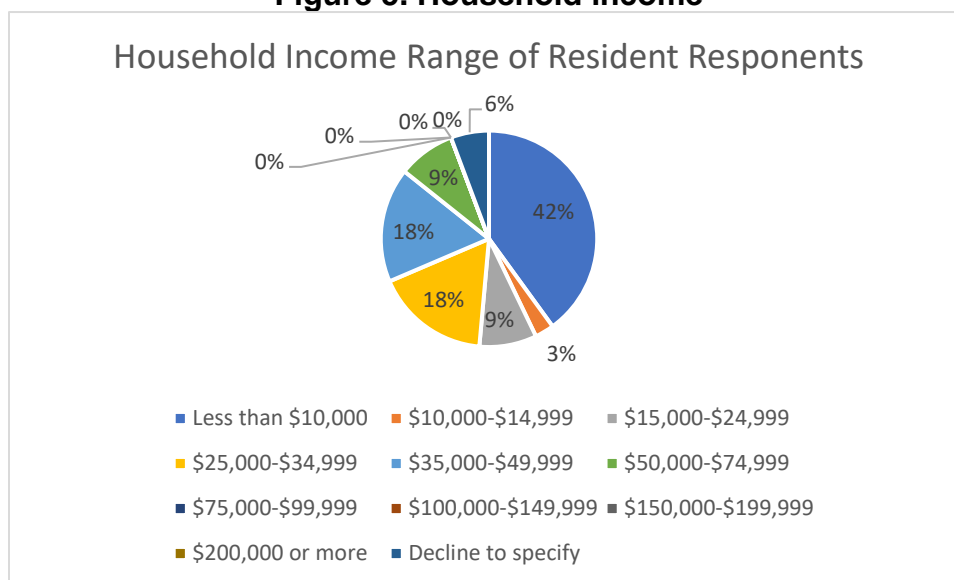
Educational attainment. Most respondents have some college education (45%) or a Bachelor's degree or higher (42%), as shown in **Figure 4**.

Figure 4. Educational attainment



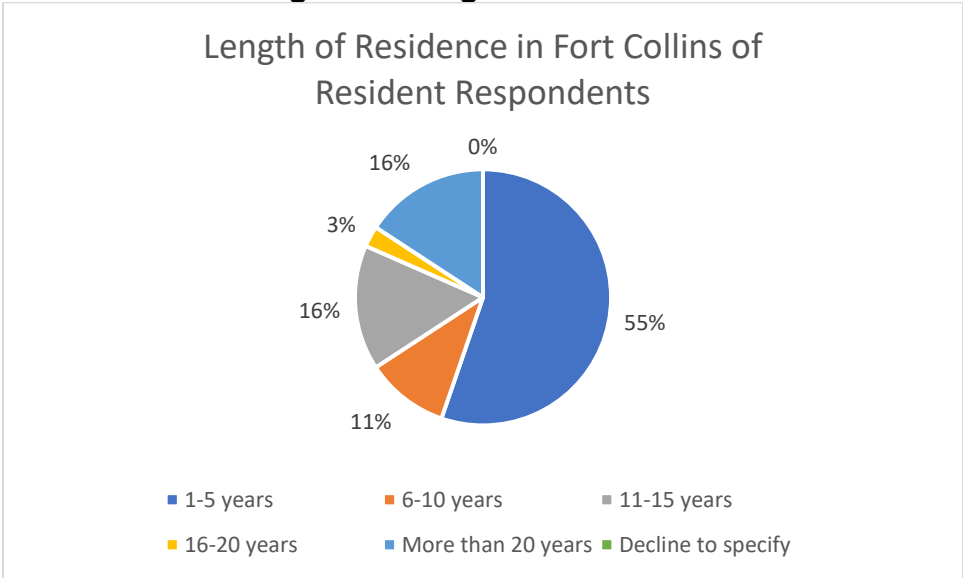
Household income. Figure 5 presents the household income of survey respondents. Forty-two percent of respondents earn \$10,000 or less annually. Another 36% earn between \$25,000 and \$49,999.

Figure 5. Household income



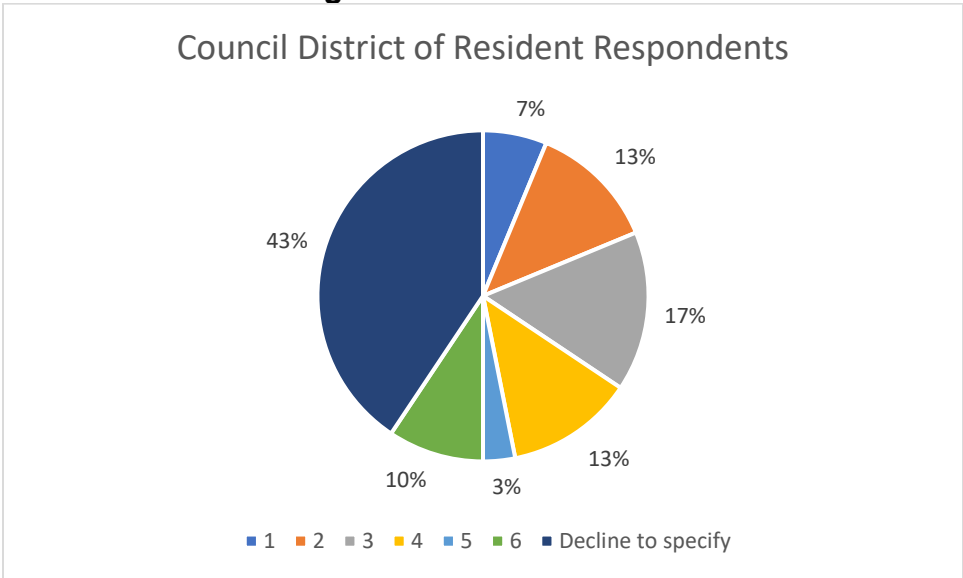
Length of residence in Fort Collins. Respondents primarily have lived in Fort Collins between 1 and 5 years. The high student response to the survey may be one reason the length of residency of respondents is relatively low.

Figure 6. Length of residence



Council District. Forty-three percent of respondents declined to specify their Council District. The online survey contained a link to help respondents determine their district. Those who took the survey on paper did not have access to this link. Of those who specified a District, District 3 was overrepresented and District 5 underrepresented. District 3 is in the southeast corner of Fort Collins; District 5 contains the University. The partner who distributed surveys to students gave out paper copies, therefore, many student respondents may have declined to specify their District.

Figure 7. Council district



Race and ethnicity. Thirty-seven percent of respondents identified themselves as non-White, while 23% identified as two or more races. Thirty-six percent identified as Hispanic or Latinx.

Figure 8. Race

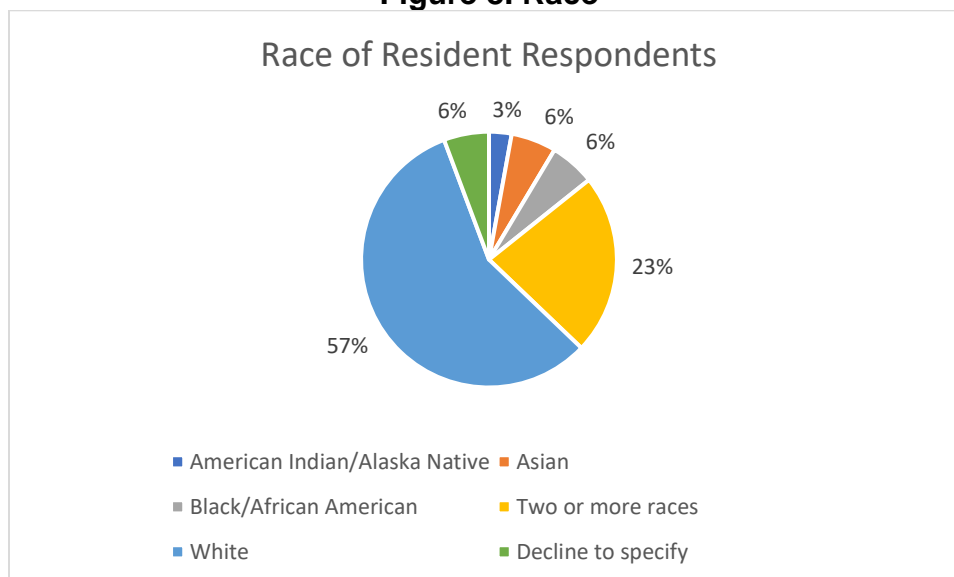
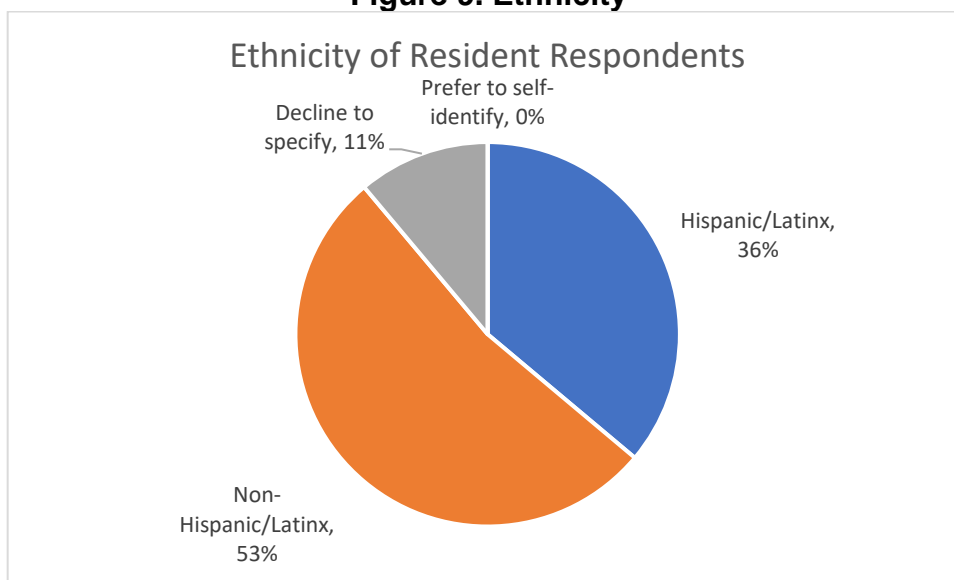


Figure 9. Ethnicity



Gender and sexual orientation. Respondents overwhelmingly identified as female and heterosexual.

Figure 10. Gender

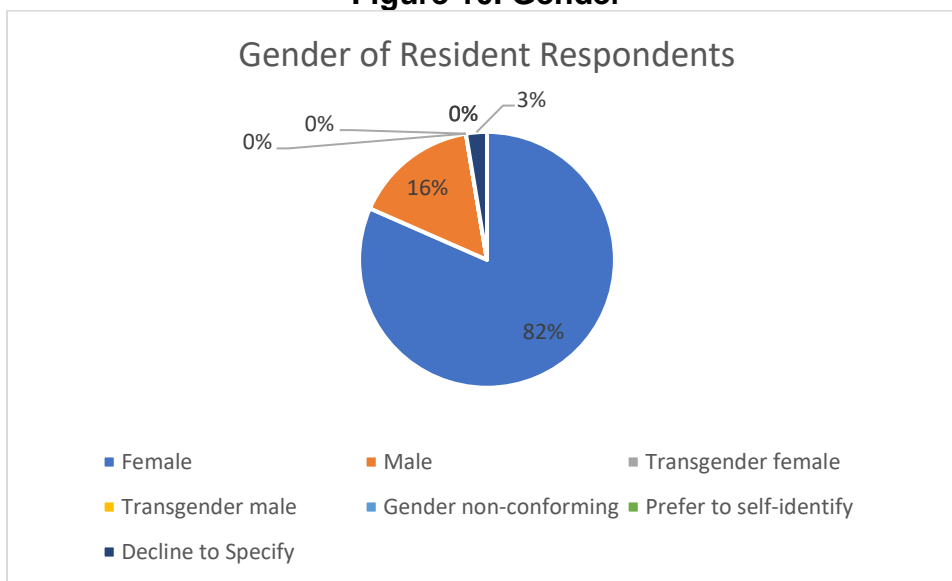
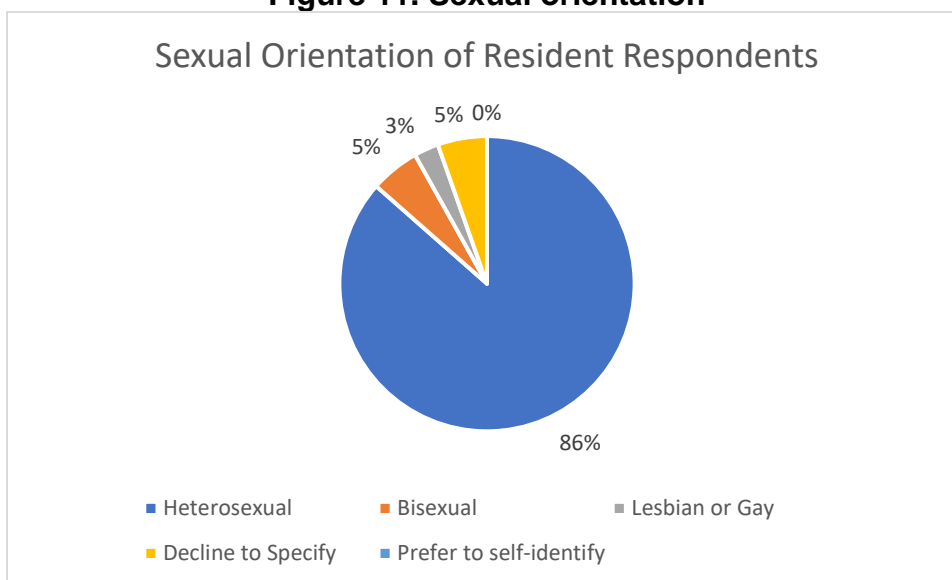
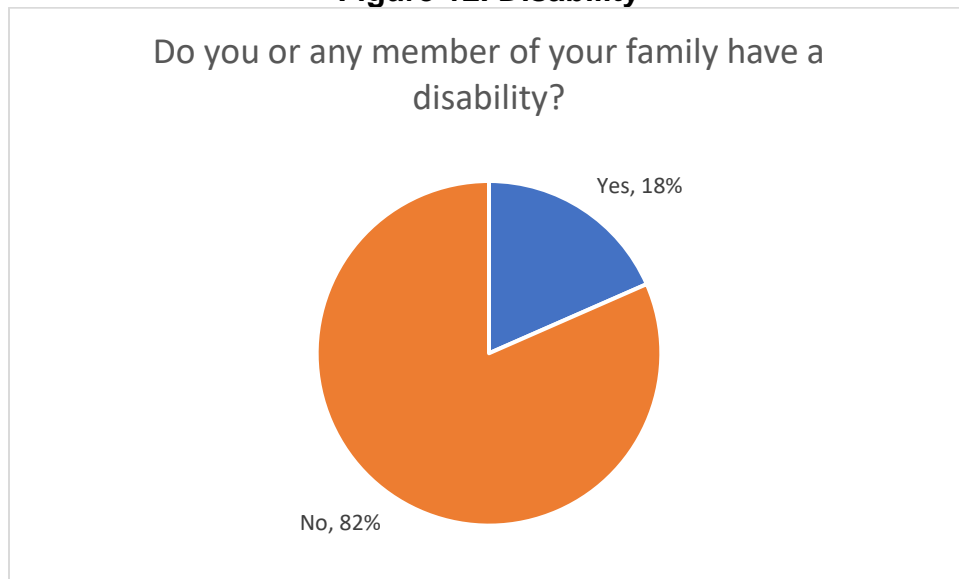


Figure 11. Sexual orientation



Disability. As shown in **Figure 12**, 18% of respondent households include a member with a disability. Residents who identified that a household member has a disability were asked whether the house or apartment where they currently live meets their household’s accessibility needs. Fifty-seven percent responded that their accessibility needs were met. Those who replied “No” were asked what improvements were necessary to meet their family’s needs. One respondent replied, “Grab bar in bathroom.” There were no other responses to this question.

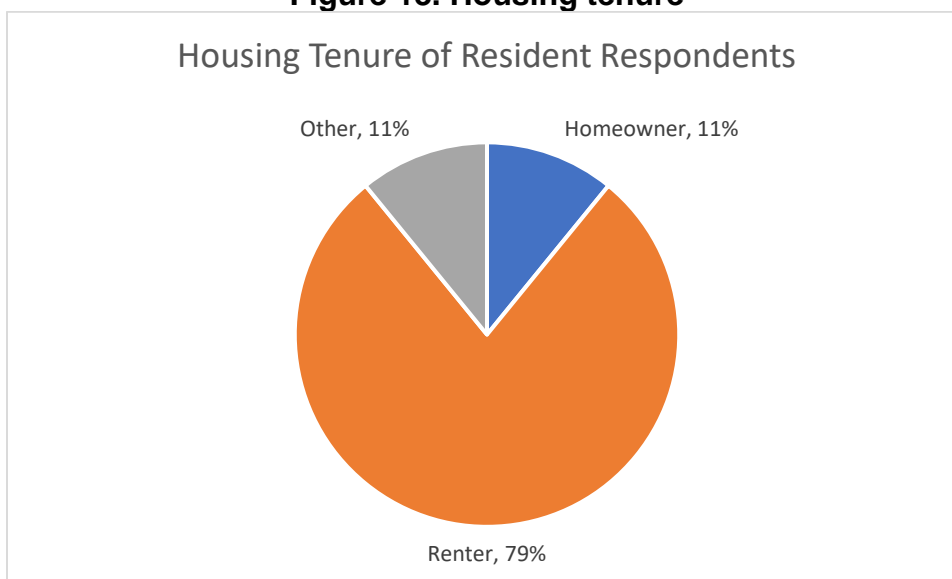
Figure 12. Disability



Resident Housing Choice. Residents responded to a series of questions regarding their housing tenure, factors that impacted their choice of housing, as well as their desire to move to another residence.

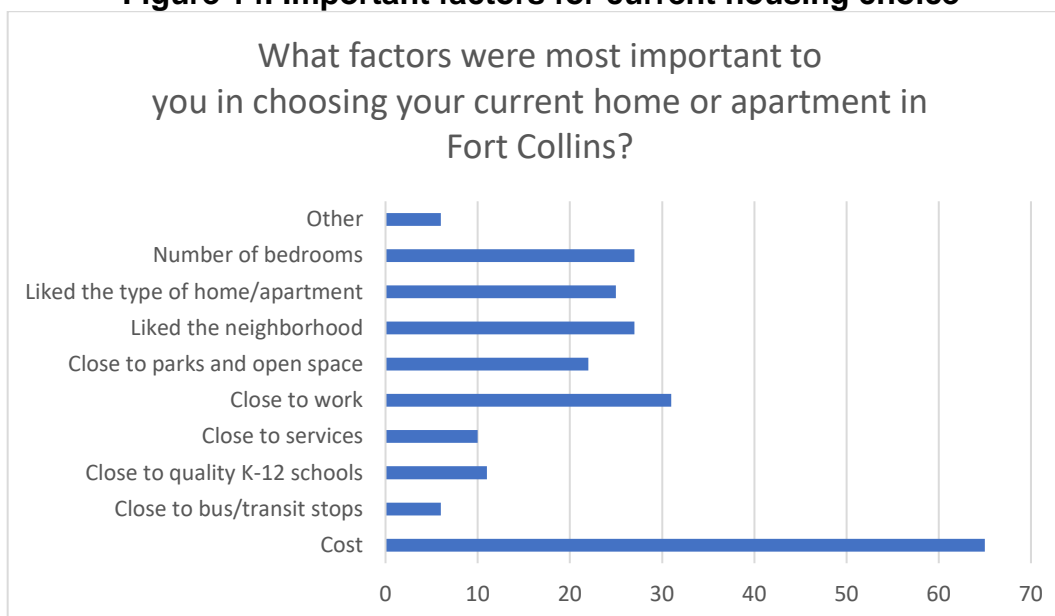
Housing tenure. **Figure 13** presents the housing tenure of respondents. The majority (79%) are renters. Three respondents noted that they are living at Colorado State University, either in a student residence hall or in staff housing. One respondent noted that they are living with friends/family, but not paying rent. No respondents identified themselves as currently homeless. The Murphy Center, a one-stop-shop for people experiencing or at risk of homelessness, was asked to assist in distribution of the survey. However, they indicated difficulty in getting completed surveys returned by program participants.

Figure 13. Housing tenure



Housing choice. Residents cited numerous factors that contributed to their decision to rent or purchase their current home (**Figure 14**). They also selected a primary reason for choosing their current home (**Figure 15**). Cost is the primary reason residents identified for their current home selection. Other common factors include liking the home or neighborhood, proximity to employment, and size of the unit.

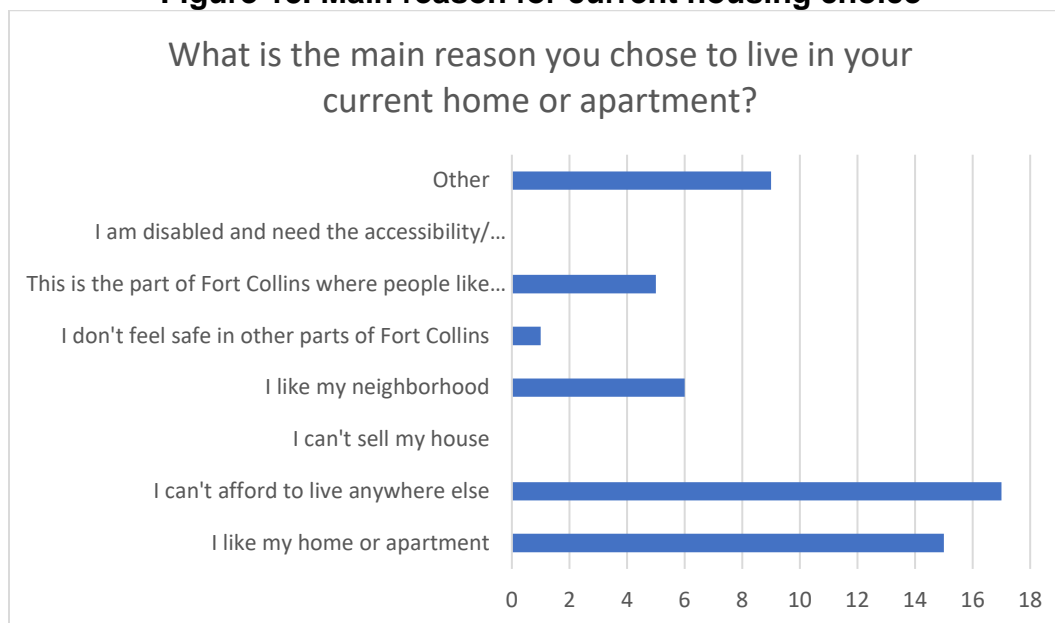
Figure 14. Important factors for current housing choice



Write-in answers for “Other”:

- close to university
- in-unit laundry, utilities included
- near scitech

Figure 15. Main reason for current housing choice

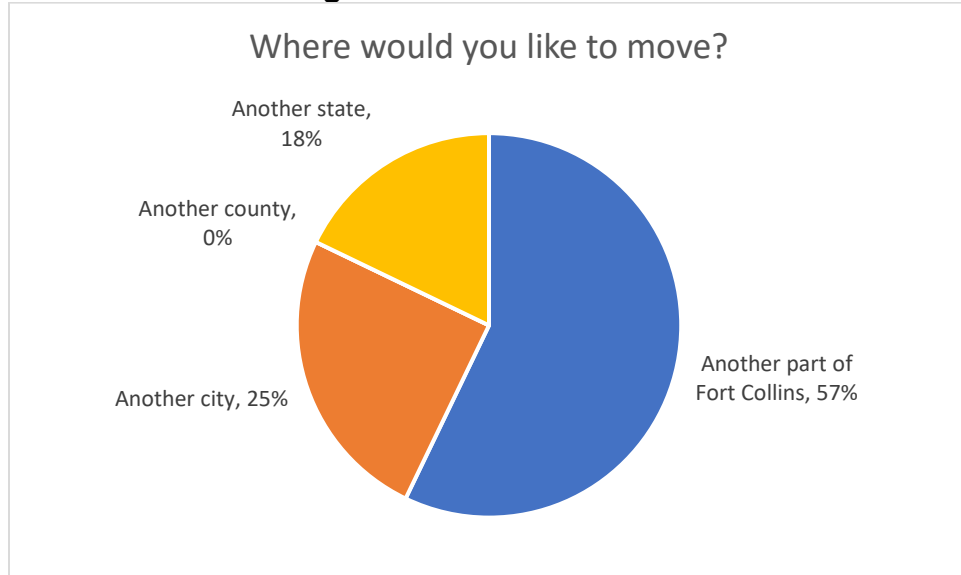


Write-in answers for “Other”:

- Factors in #1 ! Had 20 minutes to decide in sellers market.
- School and cost
- Only place big enough for my family that's within voucher range
- To attend CSU
- I am a student and it is affordable
- Need to live there for work
- CSU student
- I am employed through my current residence and I attend CSU

Desire to move. Sixty-three percent of respondents expressed a desire to move from their current home. Of those who would like to move, 57% prefer to move inside Fort Collins’ city limits. Additionally, respondents named numerous places they would choose to live within Fort Collins. The most common were away from CSU campus, closer to CSU campus, and into homeownership. Those who identified another city to move to included Denver, Longmont, Aurora, Colorado Springs, and Johnstown.

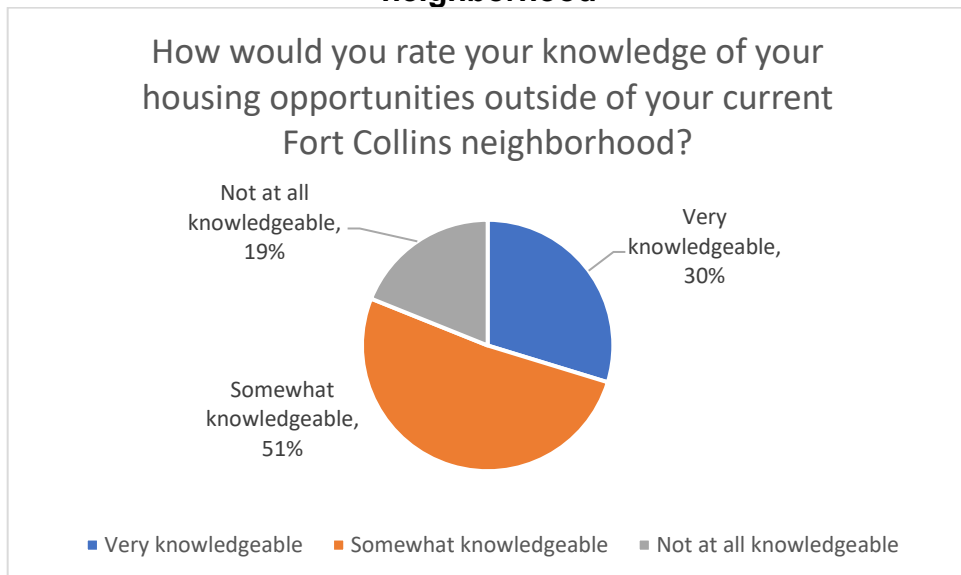
Figure 16. Where to move



Barriers to moving. The primary factors preventing respondents from moving included cost, school(s), and employment. Nearly 50% identified affordability as a barrier to moving. Other reasons included lease agreements, children’s school, access to resources, and transportation.

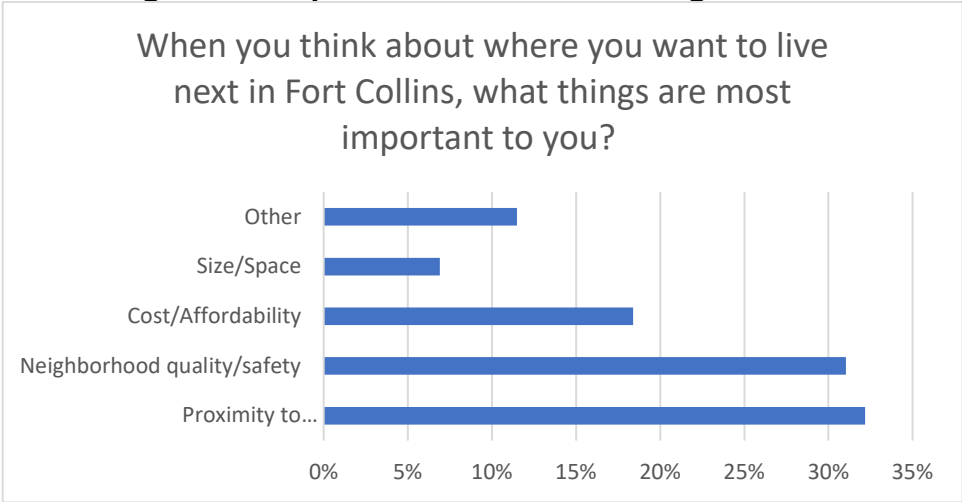
Knowledge of housing opportunities in Fort Collins. Most residents are somewhat or very knowledgeable about housing opportunities in Fort Collins outside of their current neighborhood, as shown in **Figure 17**.

Figure 17. Degree of knowledge of Fort Collins housing opportunities outside current neighborhood



Desires for Future Housing. When asked to identify the primary factors desired in a new housing unit or location, respondents identified proximity to work, transportation, amenities, and their or their children’s school as the primary factor. Second, respondents identified neighborhood quality and safety. Cost/affordability was the third-most identified important factor in selecting a new place to live.

Figure 18. Important factors in housing selection



Affordability. Respondents described their experience searching for affordable housing in Fort Collins and the type of housing they sought. Seventy percent of residents surveyed have tried unsuccessfully to find housing they could afford in Fort Collins in the past, as shown in **Figure 19**. With respect to places within the city where residents were unable to find housing they could afford, the most common responses were all over Fort Collins, specific affordable housing developments, and areas surrounding CSU. The types of housing sought were primarily apartments and single-family houses. Respondents who selected “Other,” wrote in that they were seeking any type of housing they could afford (**Figure 20**).

Figure 19. Inability to find affordable housing

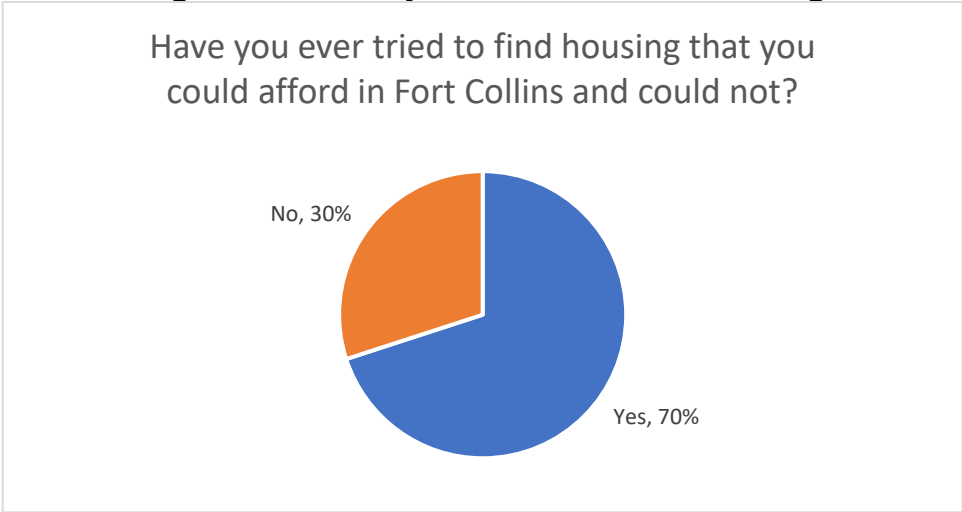
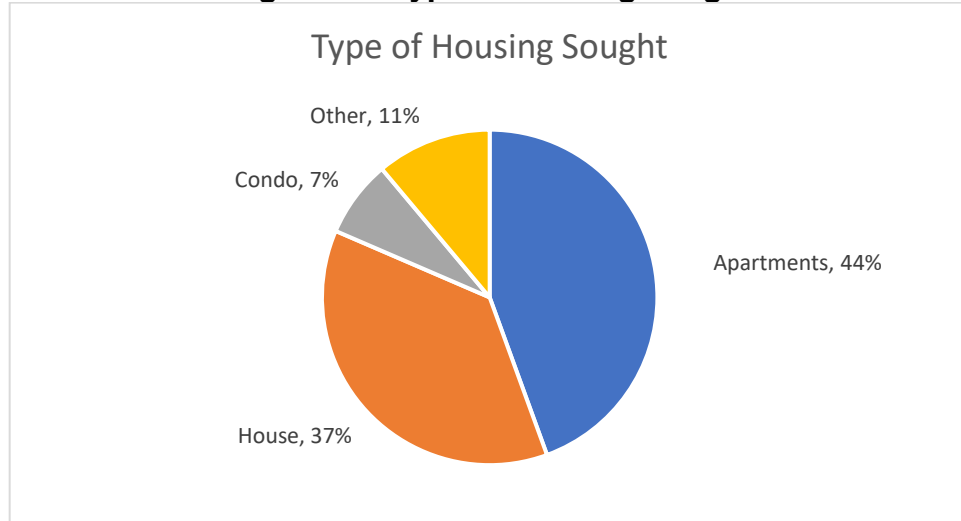
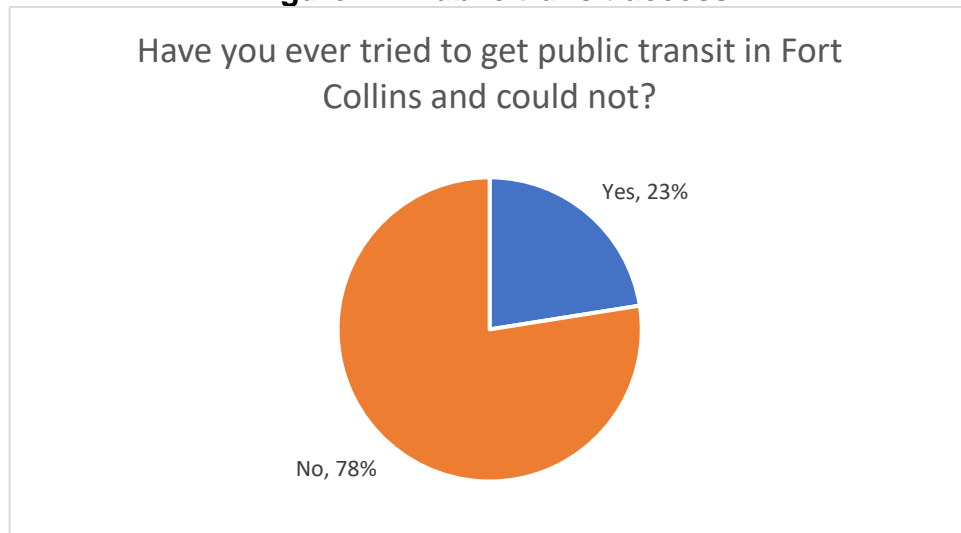


Figure 20. Type of housing sought



Transit. Respondents were asked if they had ever tried to get public transit in Fort Collins and could not. Seventy-eight percent said they had not encountered this problem. Comments on times or locations that caused issue included Overland Trail/Swing Station (Note: this is in the town of Laporte, not Fort Collins), the north King Soopers grocery store, the north side of town, nights, and weekends, particularly Sundays.

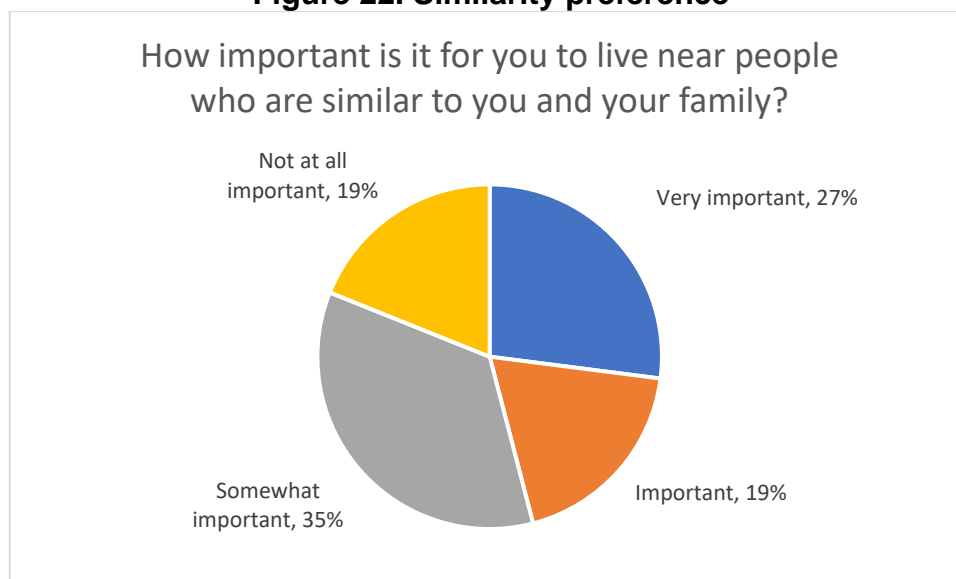
Figure 21. Public transit access



Community Climate. Residents responded to several questions regarding the Fort Collins community climate.

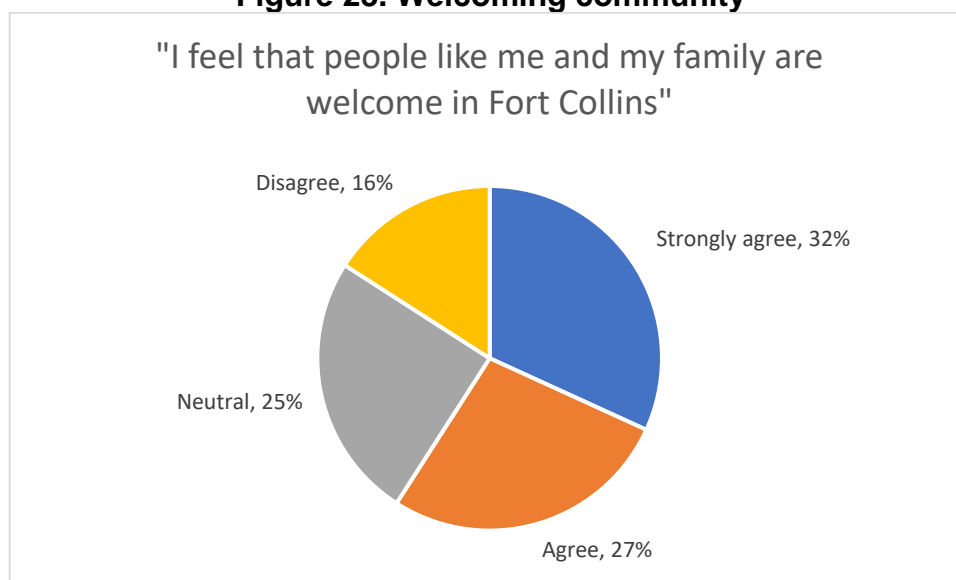
Similarity preference. In general, it is at least somewhat important to 81% of respondents that they live near people who are similar to them and their family, as shown in **Figure 22**. For nearly 30% of respondents, this is very important.

Figure 22. Similarity preference



Welcoming community. Slightly less than 60% of respondents agree that “People like me and my family are welcome in Fort Collins,” as outlined in **Figure 23**. Those disagreeing with the statement cite race and ethnicity as reasons for feeling unwelcome.

Figure 23. Welcoming community

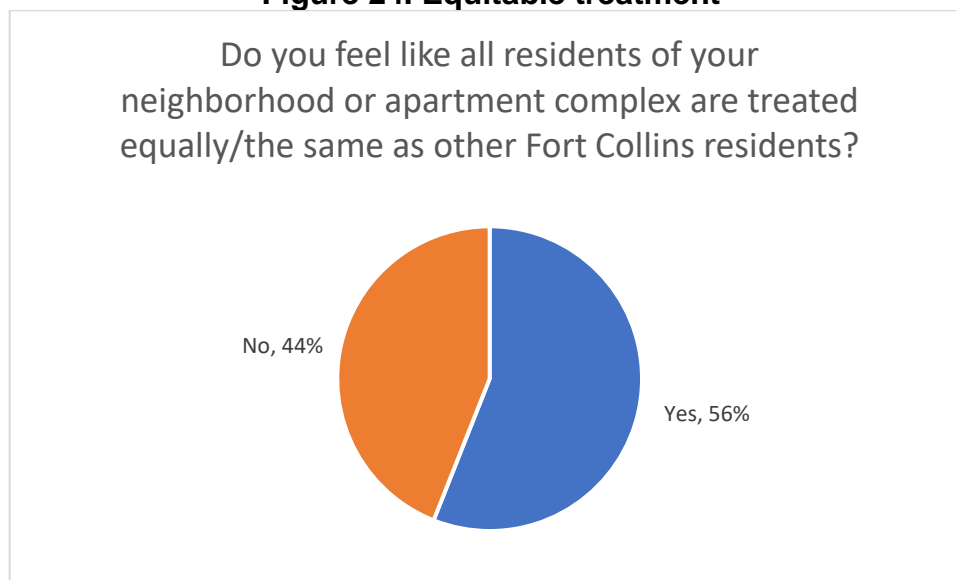


Write-in responses:

- There is minimal representation of my Latino culture here. There is no public art, supported musicians and festivities are only neighborhood driven. The only art I saw was in a parking garage! I can name on one hand the places I can go to feel safe with my culture.
- I'm a person of color
- Some parts of Fort Collins very white, guarded or protected, experience many microaggressions living here
- Close minded, conservative, too many hate acts on diverse people

Equitable treatment. Only a little over half of respondents believe that all residents in their neighborhood or apartment complex are treated equally. Those respondents who believe that people in their neighborhood or apartment complex are treated differently than others in Fort Collins offered their perspective on why they are treated differently. These included race, income, and others. Responses are recorded below.

Figure 24. Equitable treatment



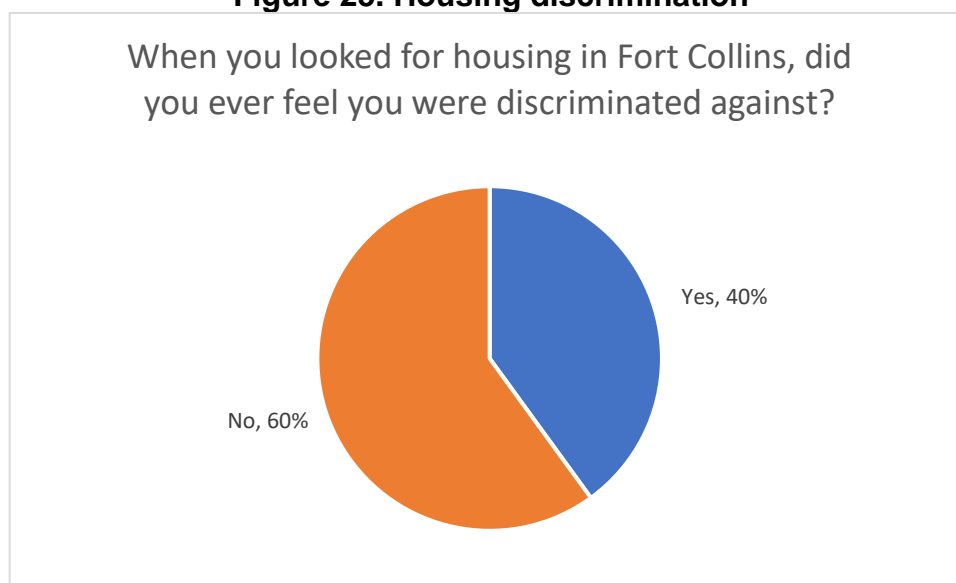
Write-in for Why Not? responses:

- We do not get our streets plowed as quickly in snow days, there are sidewalks not cared for or under construction for months.
- I feel like people in my complex that have been known by everyone to be using and distributing drugs are still receiving housing vouchers when I can't even find somewhere adorable as a single mom with 4 kids. I struggle every month to make ends meet on my income alone while these people that live across from me are leaving drug paraphernalia laying around and having strange people in my building. I don't even feel safe living here because of it but I still pay a lot in rent every month.
- Segregation in the apartment complex.
- speak to you rude as if less than human

- People who do not look like me get treated differently
- discriminated for income
- Race place a role landlords want
- discrimination and bias exist everywhere
- one of my neighbors found a swastika outside door
- racism, agism
- economic class
- I feel white residents are definitely treated better.

Housing discrimination. Forty percent of resident respondents feel they experienced discrimination in their housing search. For half of those who experienced discrimination, it occurred in the last year. Forty-three percent said the discrimination occurred between 2 and 5 years ago, and 7% said the discrimination happened more than five years ago. Family size, age, race, and income were the primary reasons respondents felt they were discriminated against.

Figure 25. Housing discrimination



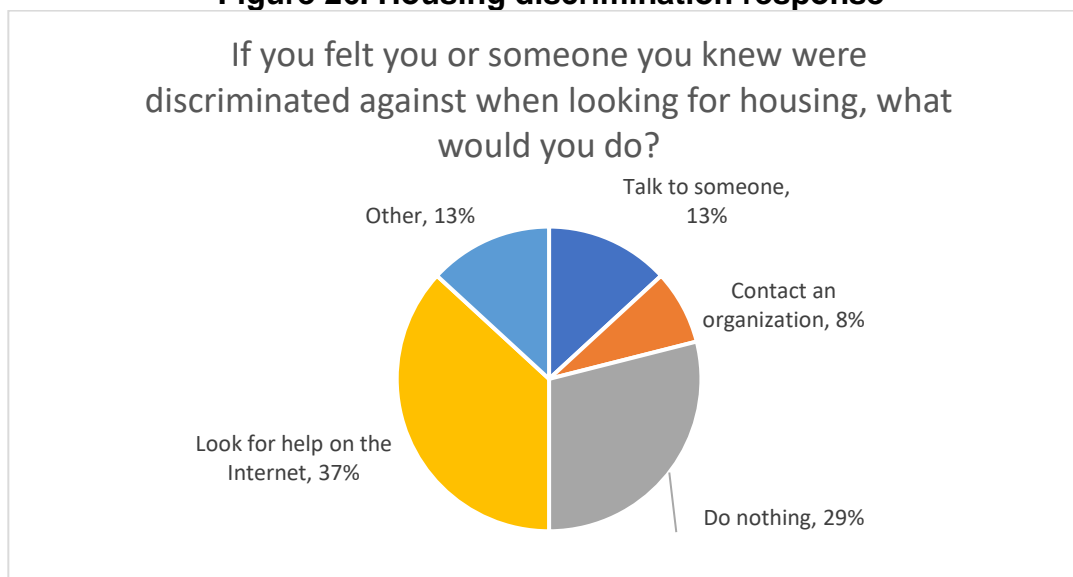
Write-in responses:

- We were often not taken seriously and you could see them thinking we could not afford to live places. There were also neighborhoods with confederate flags in windows we did not feel safe living in.
- Someone told me that the apartment was too small for myself and children but it was all I could afford.
- color, family size
- Section 8 vouchers are only accepted in specific areas, to rent a house using a voucher is non existing.
- Rude, treated as if I was undeserving
- Either made too much or not enough

- Ethnicity/race
- Owners chose leasers that weren't POC over us
- Scared that I won't be able to afford it
- For being young, race
- Students seem to be used/turned away when it comes to FC housing.
- My race and how young I look though I'm a full grown adult
- Name leading to not being called back for jobs and housing for my partner and I.

Resident response to housing discrimination. If they felt they were discriminated against, 30% of residents would do nothing about the discrimination. Only 8% said they would contact an organization about the occurrence. Those who said they would talk to someone identified the manager of the housing complex, their support system, or Colorado Legal Services who they would talk to. The only organization identified by residents as one they would contact for assistance was the Fair Housing Administration. Those who identified “Other” said they would talk to the person discriminating, look at other places, and report the housing organization to the Better Business Bureau. One respondent wrote, “I didn’t know we could do anything but complain on reviews.”

Figure 26. Housing discrimination response

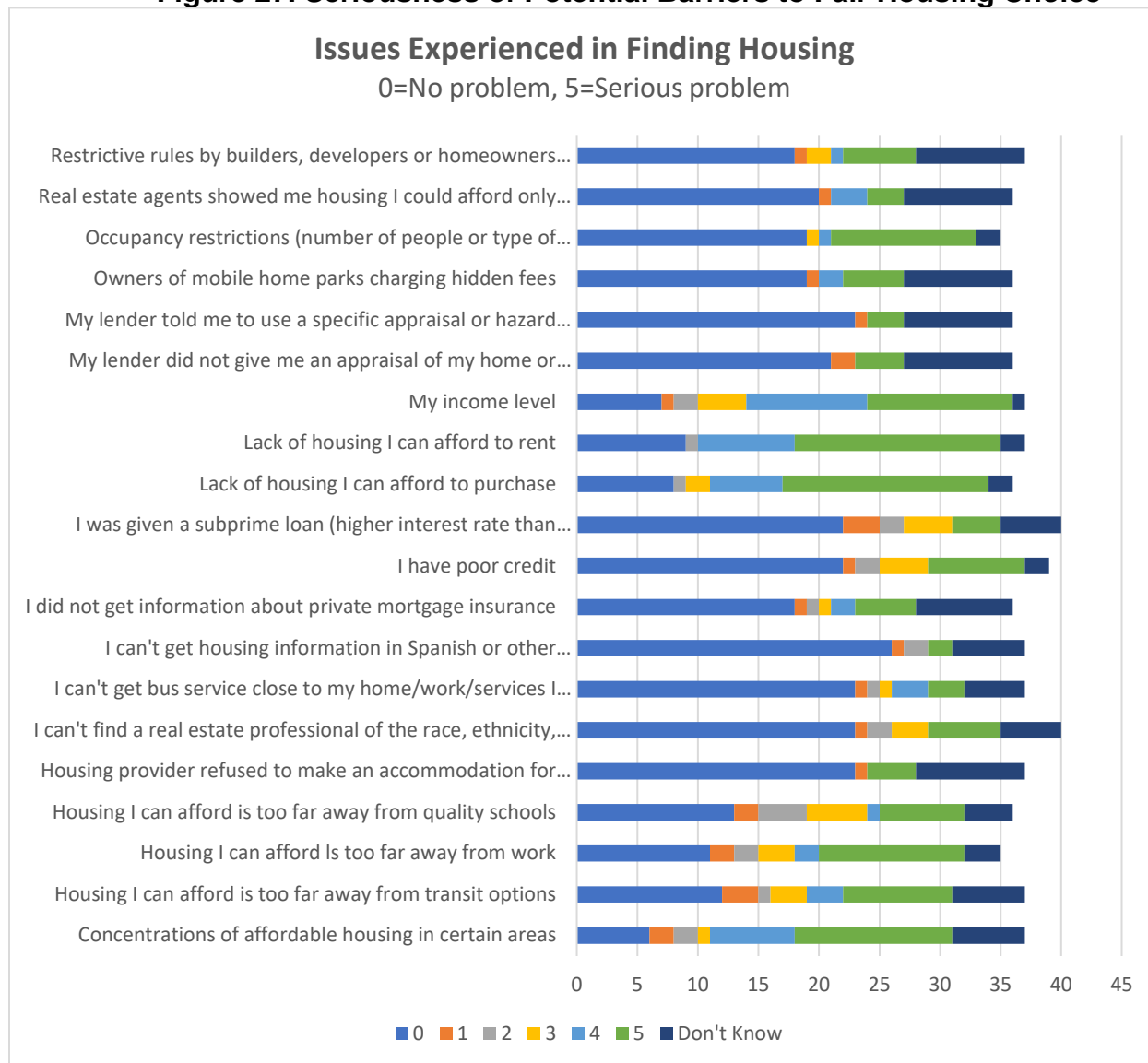


Potential Barriers to Fair Housing Choice. Residents rated the degree to which a series of factors may be serious barriers to fair housing choice in Fort Collins. Because of their expertise, stakeholders responded to a more comprehensive list of potential barriers.

Potential barriers. Figure 27 presents residents’ ratings of the degree of seriousness of potential barriers to fair housing that have impacted them or their family when trying to rent or purchase in Fort Collins. As shown, the majority of residents did not consider many of the barriers to be very serious problems. On average, the most serious barriers are income, lack of affordable housing to rent, housing they can afford is too far from work, concentrations of

affordable housing in certain areas, occupancy restrictions, and a lack of affordable housing to purchase.

Figure 27. Seriousness of Potential Barriers to Fair Housing Choice



Residents had the opportunity to elaborate on their ratings or to suggest additional barriers they have experienced. Other problems residents reported encountering when trying to find housing to rent or purchase in Fort Collins include:

- We moved out of state with a promise of an apartment in an affordable area then it fell through we were homeless for 3 months and had to use our funds on motels instead of deposits and rent
- Finding housing large enough for my family that I could afford.

- First time buyers program does not work here because of strict rules and rich people willing to buy homes that are not up to par or overpay the asking price. Freezes us out of gaining homeownership.
- It's expensive. There's a lack of affordable housing
- The prices of houses for sale is way too high. I wouldn't be able to qualify for a loan if I chose to sell and purchase something else.
- Section 8 voucher is only good in certain areas and certain places, not big enough places for larger families
- Cost of living, breed restrictions (dogs)
- We have a dog
- Not affordable proximity to university
- The U+2 rule credit history/paystub
- Tiny square footage at high price
- Expensive
- Cost, occupancy restrictions
- Affording anything to rent
- You + 2 law!!
- If they accept pets
- Affordability, lease options, pet deposit
- Affordability, hidden fees

5.3 Stakeholder Survey Responses

A total of 55 stakeholders representing a broad spectrum of housing interests responded to the stakeholder survey. Individual demographics were not collected. The survey was targeted to those professionals providing housing services in Fort Collins.

Figure 28. Services & Industries Represented

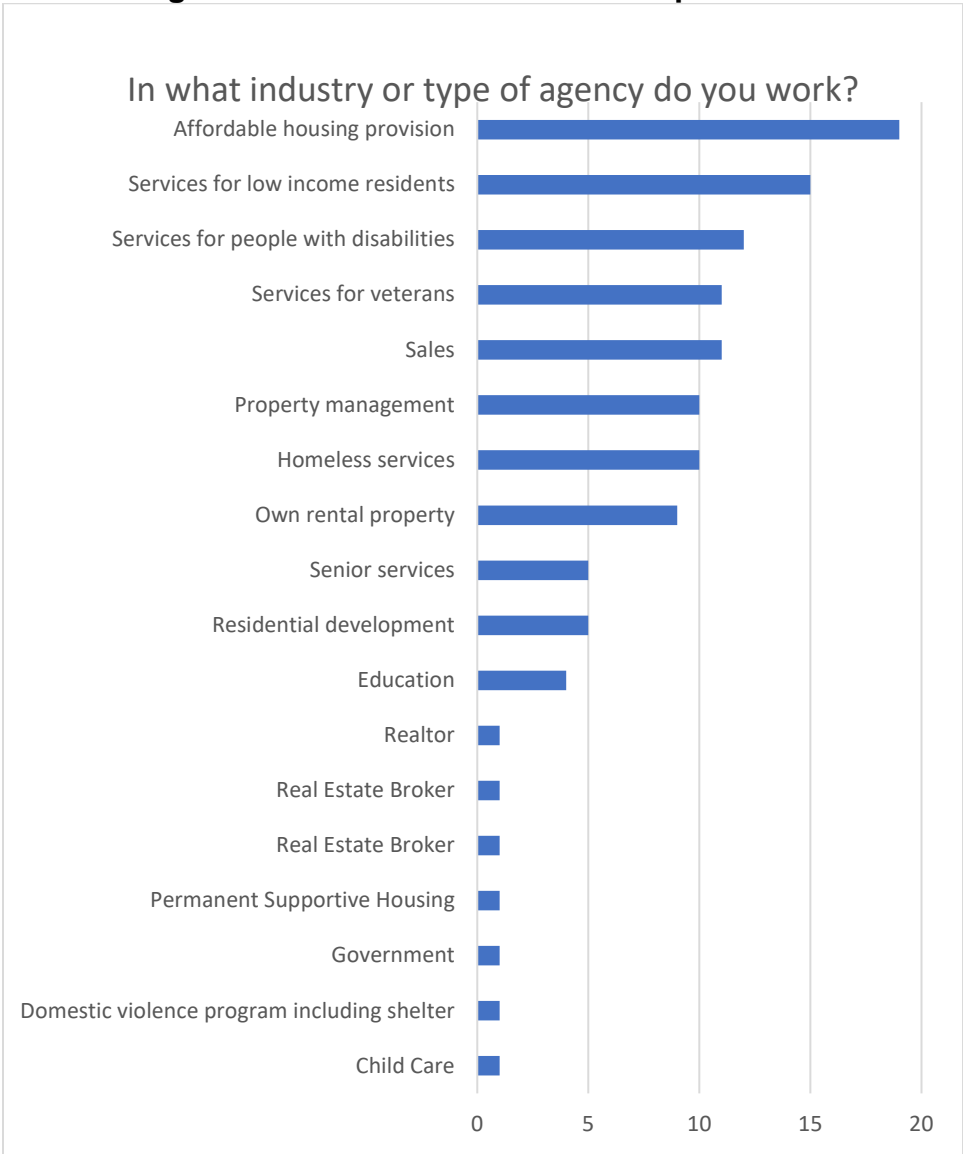
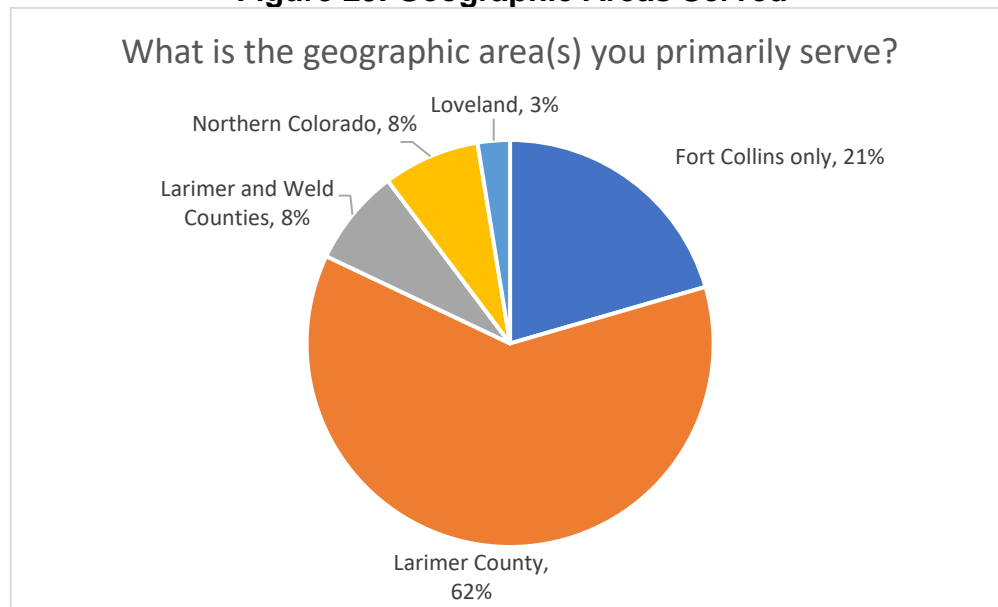


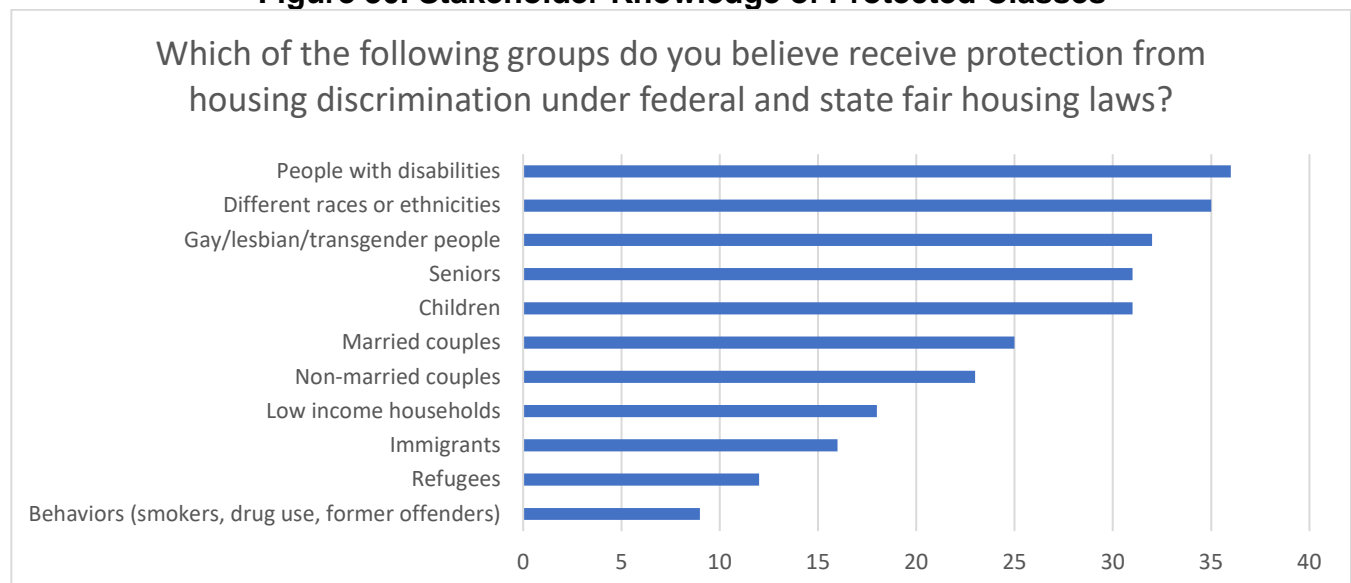
Figure 29. Geographic Areas Served



Fair Housing Knowledge and Resources. Stakeholders responded to several questions regarding their knowledge of fair housing law and their personal experience with fair housing training and accessing resources.

Stakeholder knowledge of protected classes. Figure 30 presents the types of people stakeholders identified as members of protected classes under state and federal fair housing laws. As shown, most stakeholders identified people with disabilities and race/ethnicity as protected classes. Identified in “other,” included everyone and “familial status.” Respondents incorrectly identified behaviors, age and income as protected classes, but correctly identified disability and race or ethnicity as protected.

Figure 30. Stakeholder Knowledge of Protected Classes



Stakeholder experience with fair housing training. Seventy-nine percent of stakeholders responding to the survey had received fair housing training in the past. Of these, training had been provided by the private organizations, employers, and landlord/tenant seminars. Respondents added that fair housing training was received through their real estate training and education, CHFA, a HUD video on YouTube, and by being a member of a protected class.

Figure 31. Stakeholder Fair Housing Training Experience

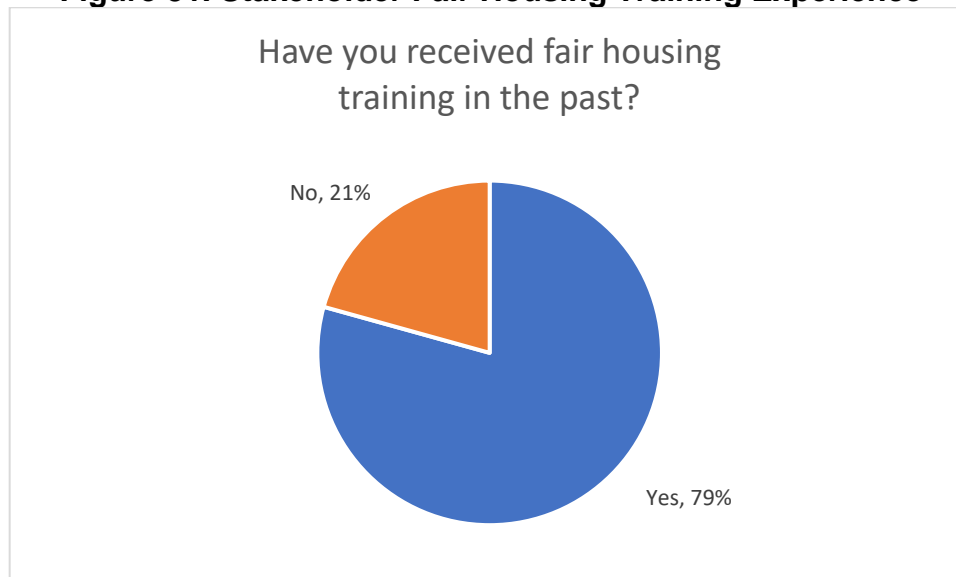
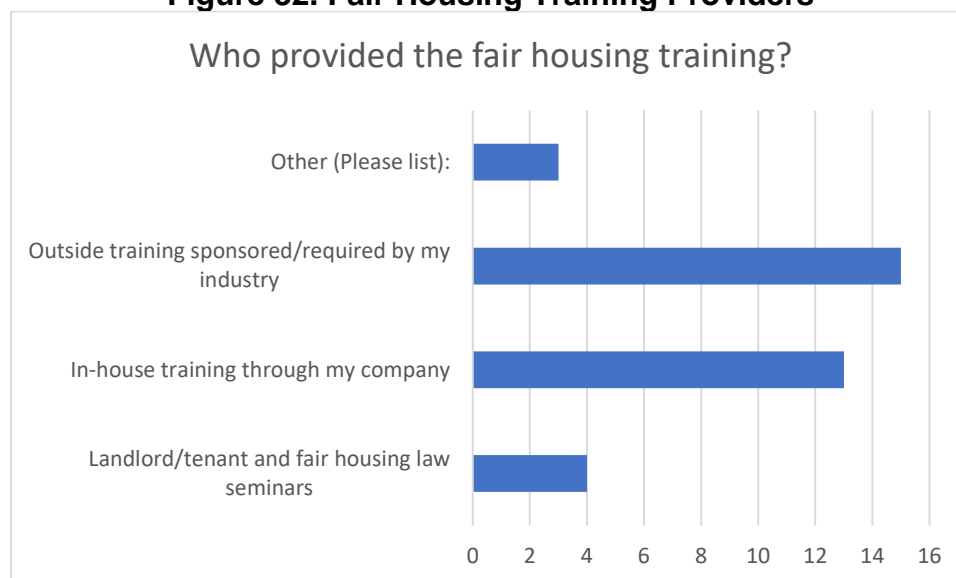
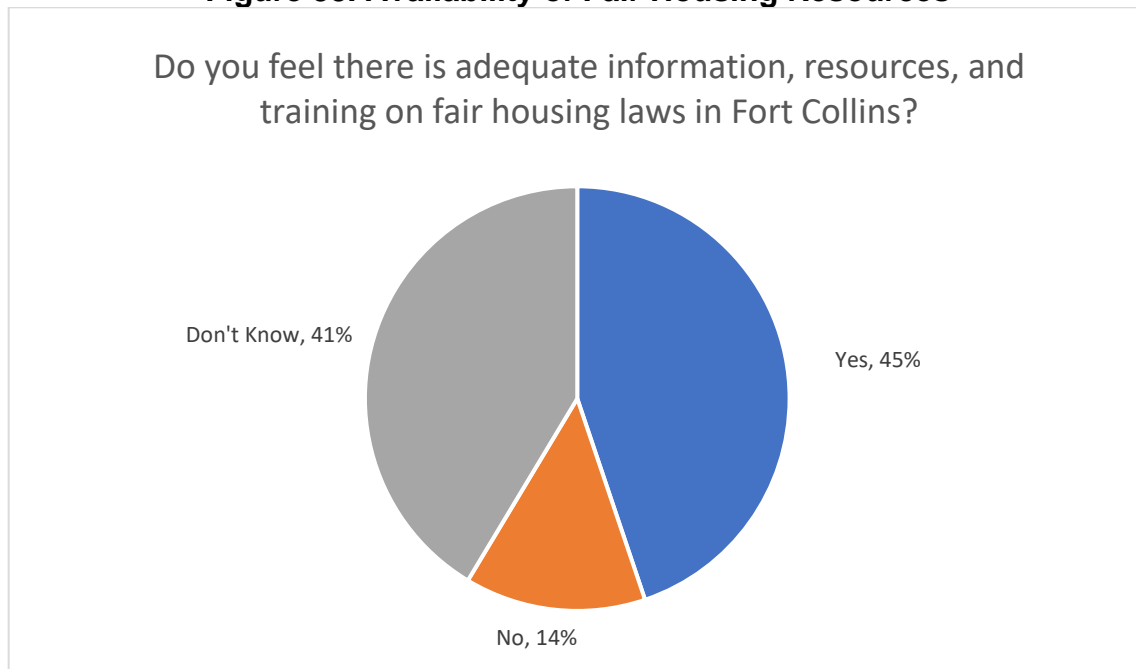


Figure 32. Fair Housing Training Providers



Availability of fair housing resources. As shown in **Figure 33**, 41% of respondents believe there is adequate information about fair housing available in Fort Collins and 45% do not know whether resources are adequate. Asked where they would refer clients for more information about fair housing rights, stakeholder identified the City of Fort Collins, Housing Catalyst (the local housing authority), other affordable housing providers, HUD, Colorado Civil Rights, DOLA, DORA, the local Board of Realtors, and others as appropriate referral resources.

Figure 33. Availability of Fair Housing Resources

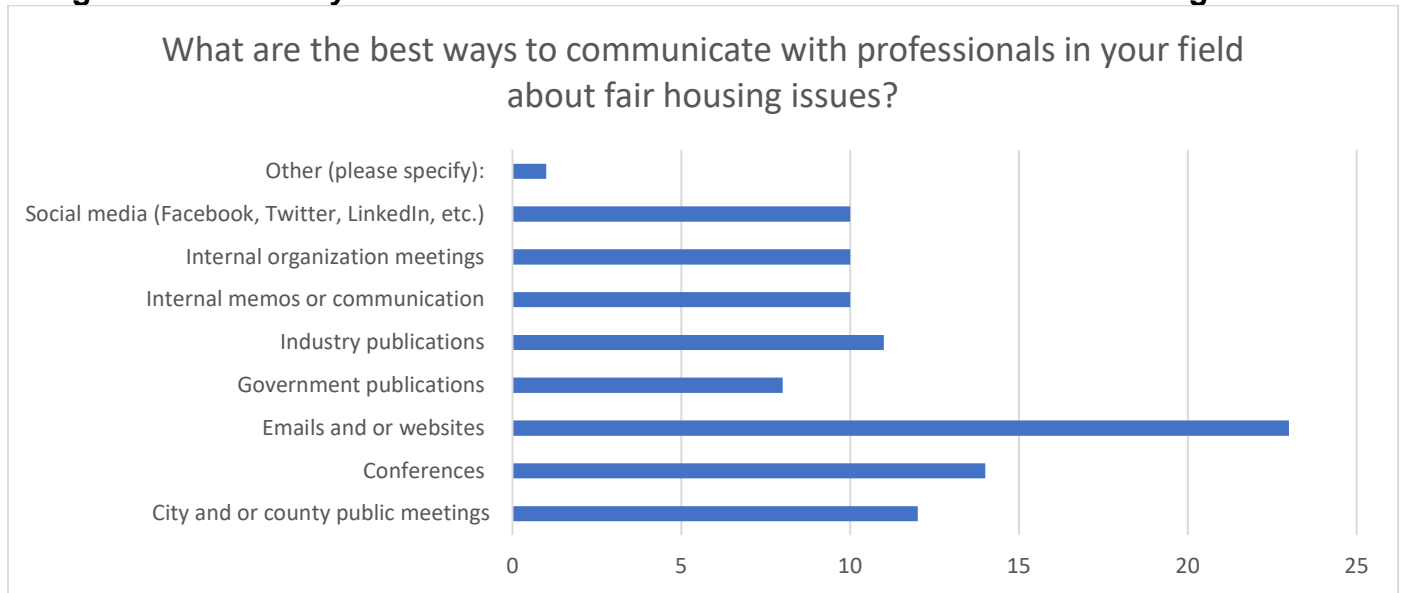


Write-in responses for “No” answers:

- Additional training opportunities for compliance and updates to Fair Housing.
- Most folks do not even know this is a thing- Fair Housing.
- There are no teeth to enforcement

Communication preferences. Most stakeholders prefer to learn about fair housing issues from emails or websites, followed by conferences and meetings. **Figure 34** presents stakeholder communication preferences.

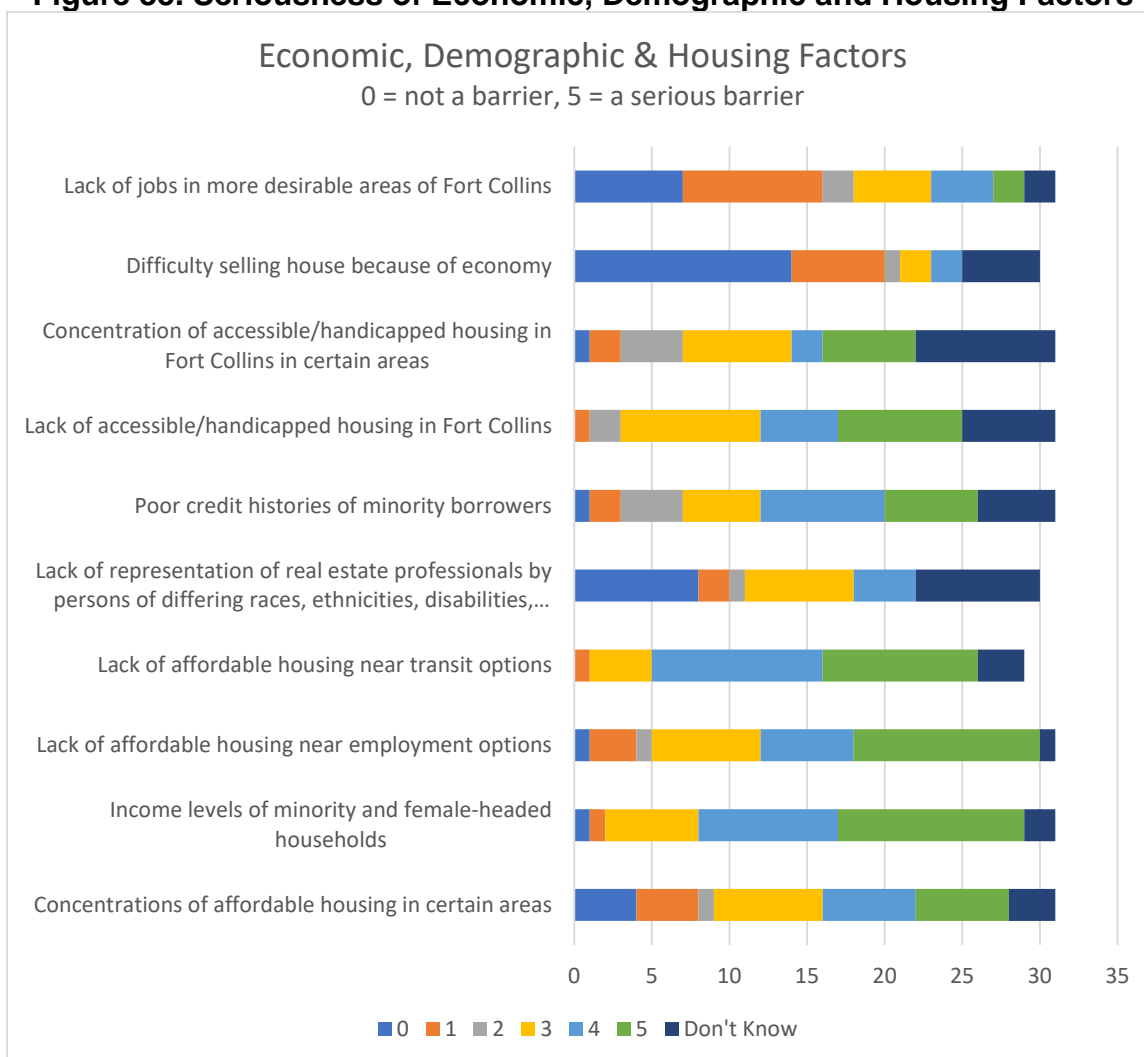
Figure 34. Best Ways to Communicate with Stakeholders about Fair Housing Issues



Potential barriers. Stakeholders rated the degree of seriousness of potential barriers to fair housing choice related to economic, demographic, and housing factors; land use and zoning; capacity issues; lending activities; and real estate activities.

Economic, demographic and housing factors. Lack of affordable housing near employment options and income levels of minority and female-headed households were identified as the most serious economic, demographic and housing barriers to fair housing choice in Fort Collins.

Figure 35. Seriousness of Economic, Demographic and Housing Factors



Land use and zoning factors. On average, stakeholders find occupancy limitations and limitations on density, and restrictive covenants by builder, developers, or homeowners associations to be the most serious land use and zoning related barriers to fair housing choice. With respect to land use and zoning, 70% of respondents do not believe the laws in Fort Collins create barriers to fair housing choice or encourage segregation.

Figure 36. Seriousness of Land Use and Zoning Factors

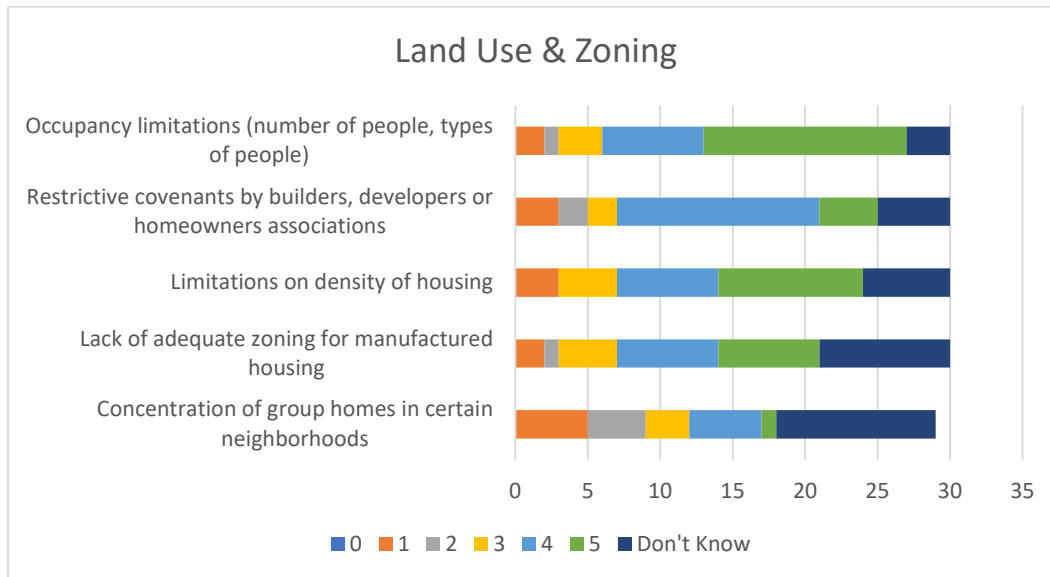
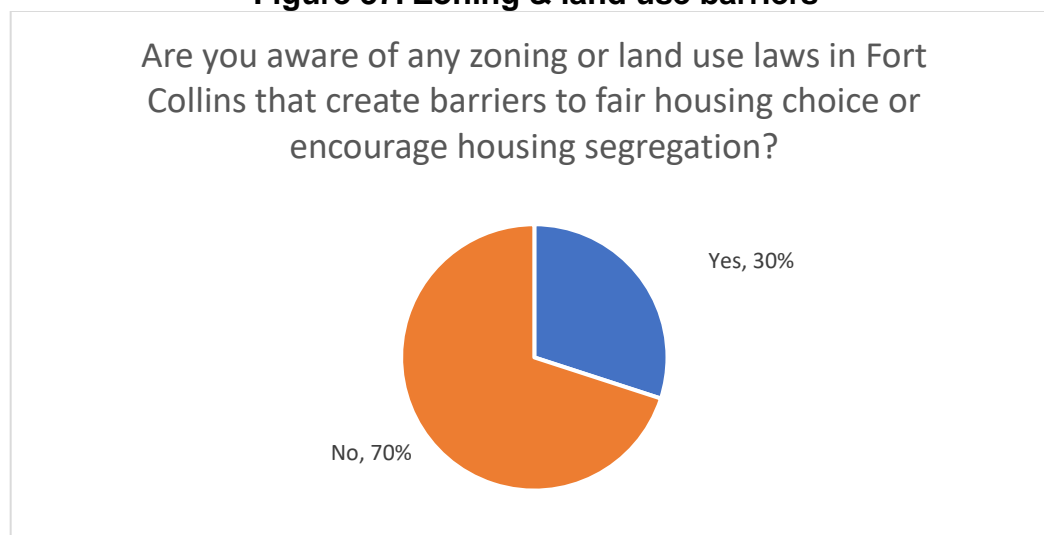


Figure 37. Zoning & land use barriers



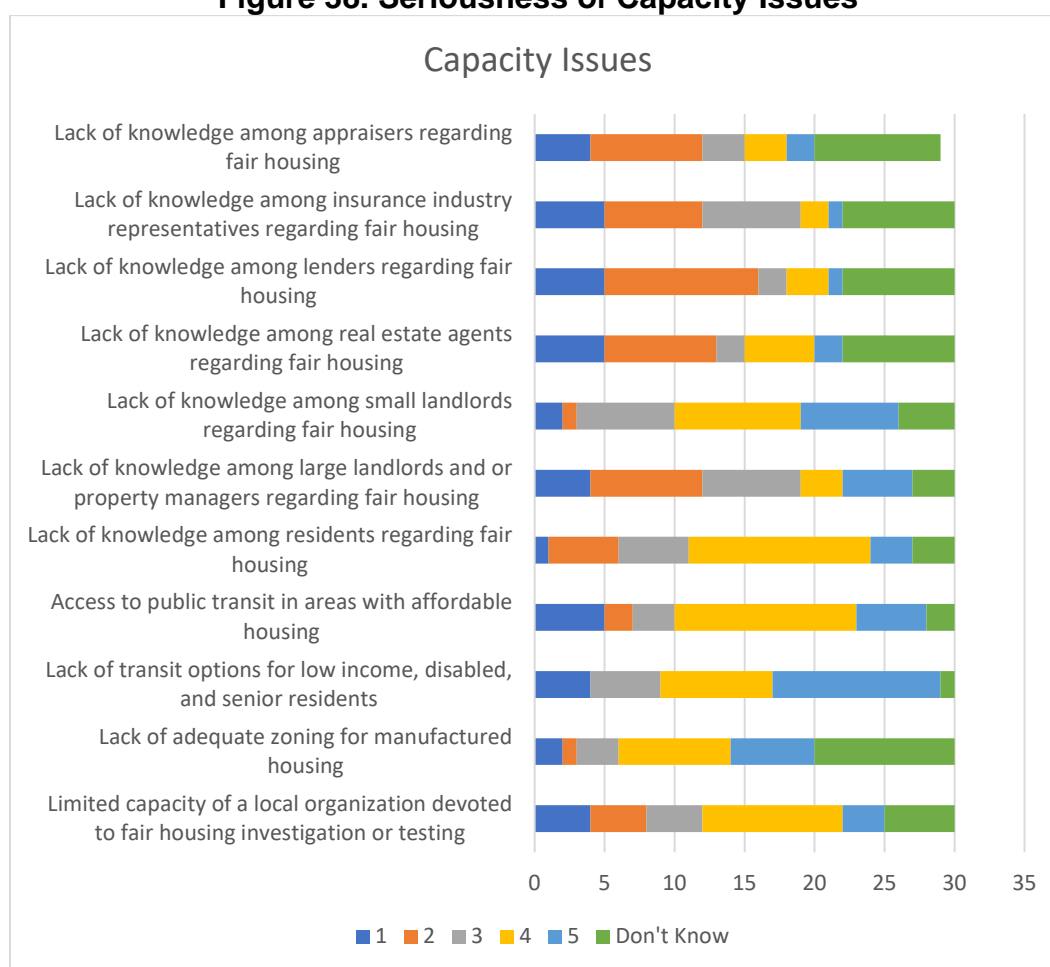
Write in responses to “Yes” answers:

- Density restrictions in more affluent areas
- Low Density Neighborhoods. U+2
- You plus 2. Some people would choose to live together for various reasons including affordability but since they can't they live separately and limit the stock of rentals therefore increasing the prices due to supply and demand.
- U+2
- You-plus 2- makes home less affordable Zoning requirements- can't rent out a carriage house etc. that would allow for more housing options which equals more affordable housing options.

- No high density allowed or manufactured housing or ADU,
- U+2 or the occupancy limits disproportionately impact low to medium-income individuals and artificially increase the costs associated with renting and livability.
- Price of water/sewer hook ups has driven up price of new construction significantly in the past few years.
- 2+you, inadequate density allowances

Capacity issues. Stakeholders rated lack of transit options for low-income, disabled, and senior residents; access to public transit in areas with affordable housing; and lack of knowledge of fair housing among residents and landlords as the most serious capacity issues to fair housing choice.

Figure 38. Seriousness of Capacity Issues



Lending activities. On average, lending activities were not considered to be a substantial barrier in Fort Collins, as illustrated in **Figure 39**. Among those evaluated, stakeholders identified lenders steering customer to use a specific appraisal or hazard insurance company as the most serious lending activity barrier. However, nearly half of respondents marked “Don’t

know” for all questions about lending activity barriers. With respect to lending activities, most respondents believe that predatory lending practices are not a serious problem in Fort Collins (**Figure 40**).

Figure 39. Seriousness of Lending Activities

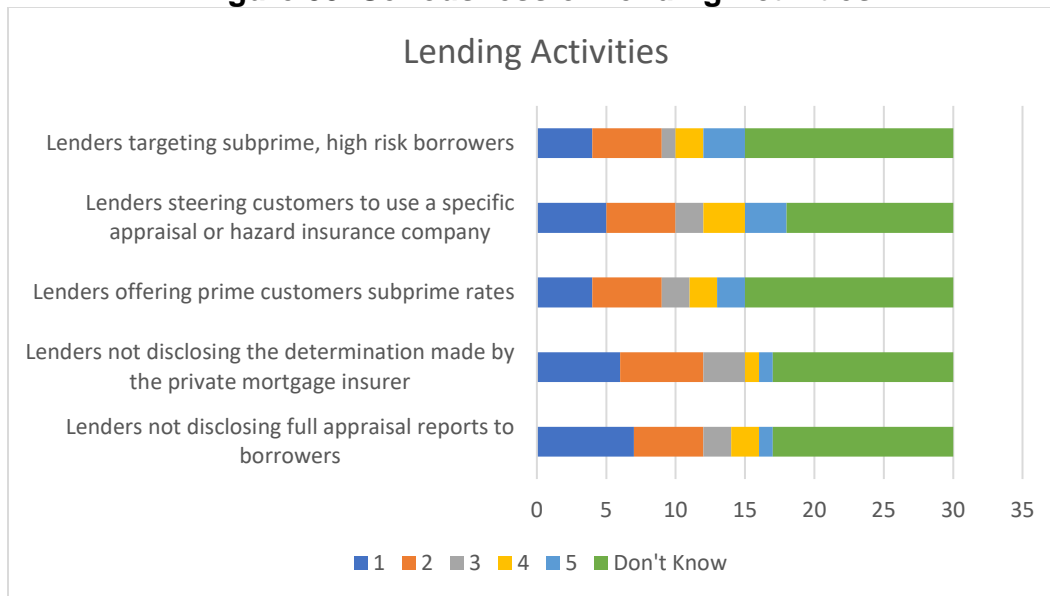
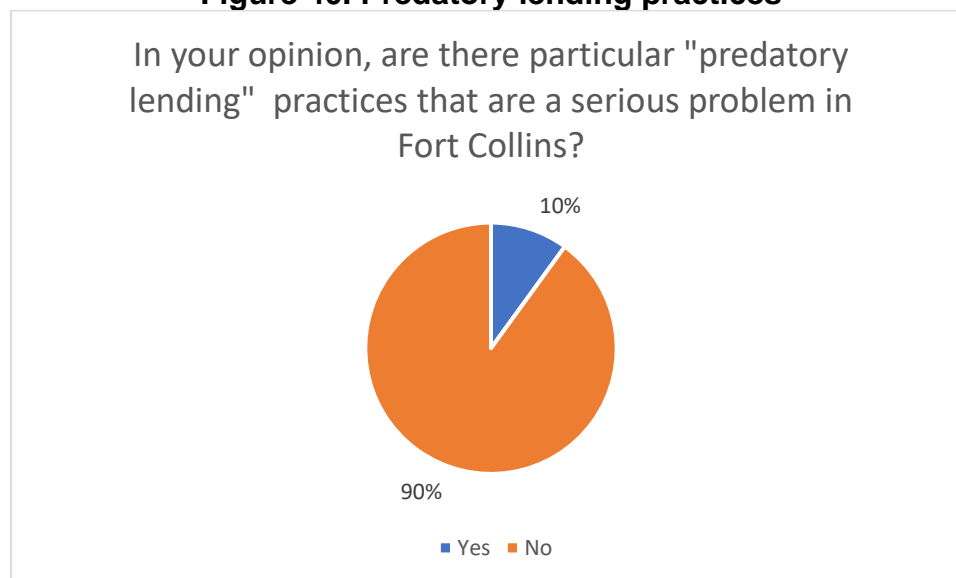


Figure 40. Predatory lending practices

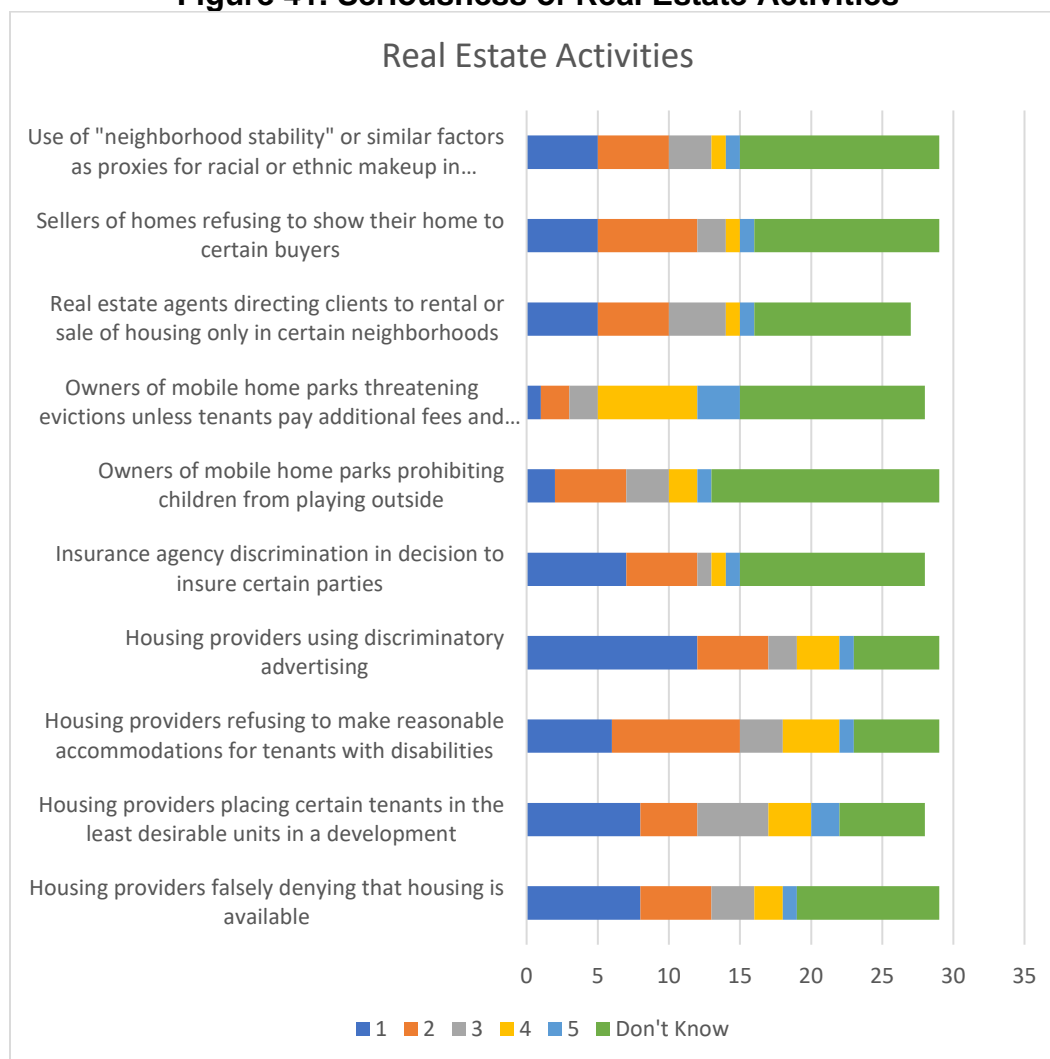


Write in responses to “Yes” answers:

- Unknown
- Any predatory lending/payday loan is a serious problem, exploiting the vulnerabilities of people without adequate alternatives to quick, high-cost funds.

Real estate activities. Like lending, stakeholders did not consider real estate activities to be particularly serious barrier. Among those evaluated, housing providers refusing to make reasonable accommodations for tenants with disabilities was the most serious. Overall, respondents often selected “Don’t know” for their responses in this set of questions.

Figure 41. Seriousness of Real Estate Activities



Other barriers to fair housing choice. Stakeholder respondents were asked to identify any other barriers to fair housing choice that were not covered in their responses to the questions about real estate activities, lending activities, capacity issues, land use and zoning, and economic, demographic, and housing factors.

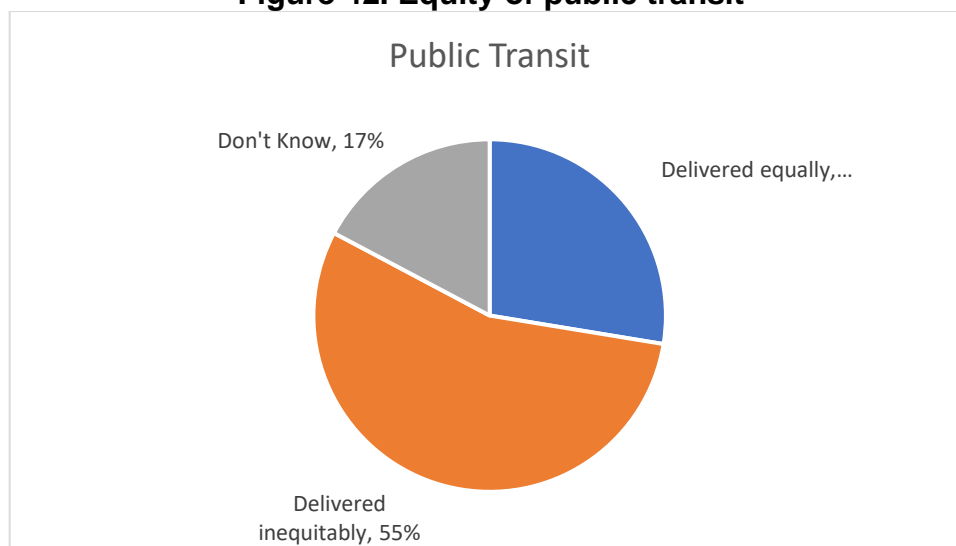
Write-in responses:

- Access to multiple options of housing provided by agencies who are well versed in the requirements and have availability which matches the needs of varying household compositions
- Lack of attainable and affordable housing. This affects our ability to attract great teachers, police officers, fire fighters.
- Affordability
- Severe shortage of income-based, affordable apartments.

Equity of service and facility provision. Stakeholders evaluated whether particular services or facilities are distributed equitably across all areas of Fort Collins. Accessible streets and sidewalks, social services, health care, and public transit are the most likely to be perceived as not delivered equitably. Financial institutions and parks and recreational opportunities were ranked as the most equitably distributed facilities.

Access to transit. Overall, over half of stakeholders feel that public transit is not delivered equitably in Fort Collins.

Figure 42. Equity of public transit

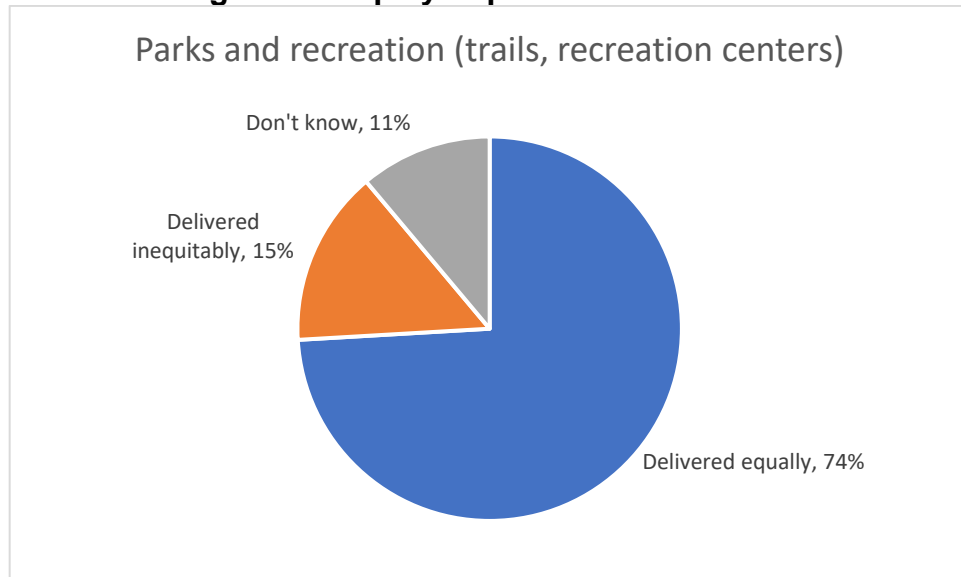


Asked to specify the locations that transit is lacking, respondents wrote:

- Southside of town
- North, east and west
- Focus is on making the system desirable for Yuppies not people who have to use public transportation.
- South Fort Collins
- The west to East corridors
- South side of Fort Collins
- Outlying areas very poorly served
- Eastern FTC
- times of day, days of week

Access to parks and recreation. Overall, nearly three-quarters of stakeholders feel that parks and recreational opportunities such as trails and centers are delivered equitably in Fort Collins.

Figure 43. Equity of parks and recreation

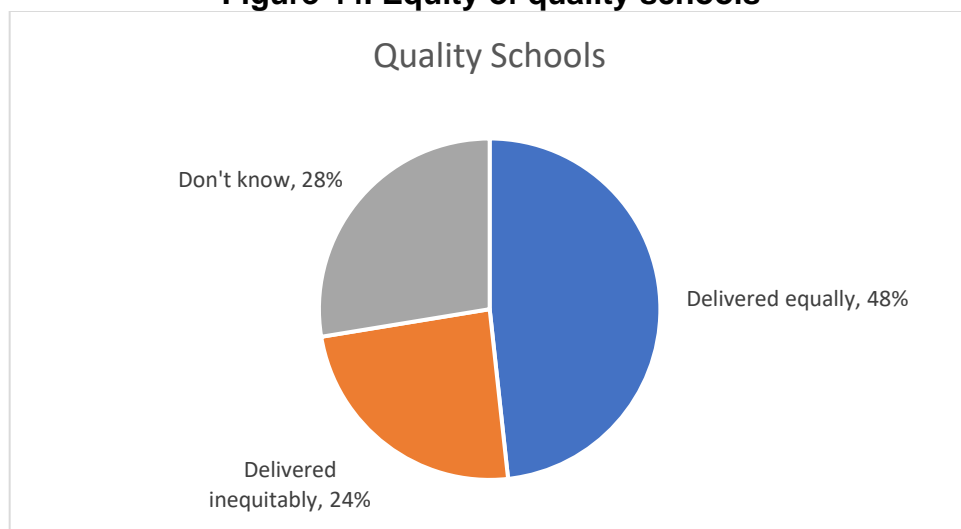


Asked to specify the locations that parks and recreation access are lacking, respondents wrote:

- North
- North-west

Access to quality schools. Overall, nearly half of stakeholders feel that quality schools are delivered equitably in Fort Collins.

Figure 44. Equity of quality schools

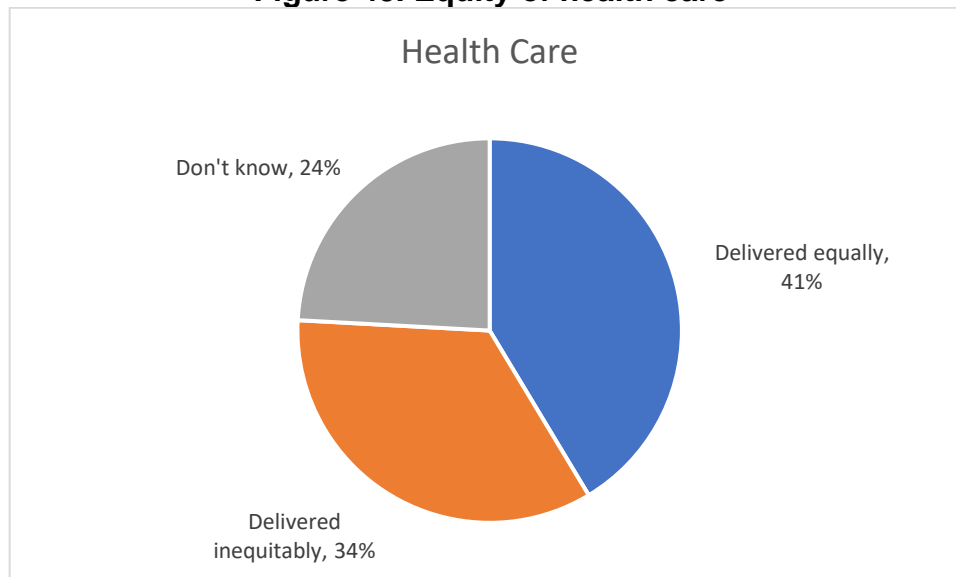


Asked to specify the locations that access to quality schools is lacking, respondents wrote:

- North
- North-west
- SE FTC

Access to health care. Overall, 41% of stakeholders feel that health care is delivered equitably in Fort Collins, while 34% feel it is not delivered inequitably.

Figure 45. Equity of health care



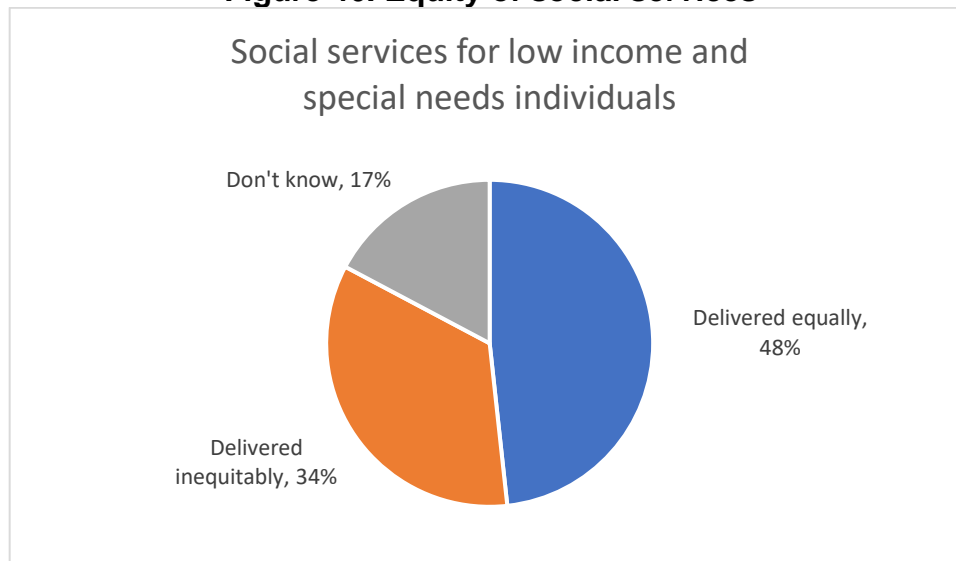
Asked to specify the locations that access to health care is lacking, respondents wrote:

- North
- Access is better with Medicaid expansion but the hospitals still treat low income people very poorly.
- North, Salud is not enough

Access to Social services for low income and special needs individuals.

Overall, nearly half stakeholders feel that social services are delivered equitably in Fort Collins, while 34% feel they are delivered inequitably.

Figure 46. Equity of social services

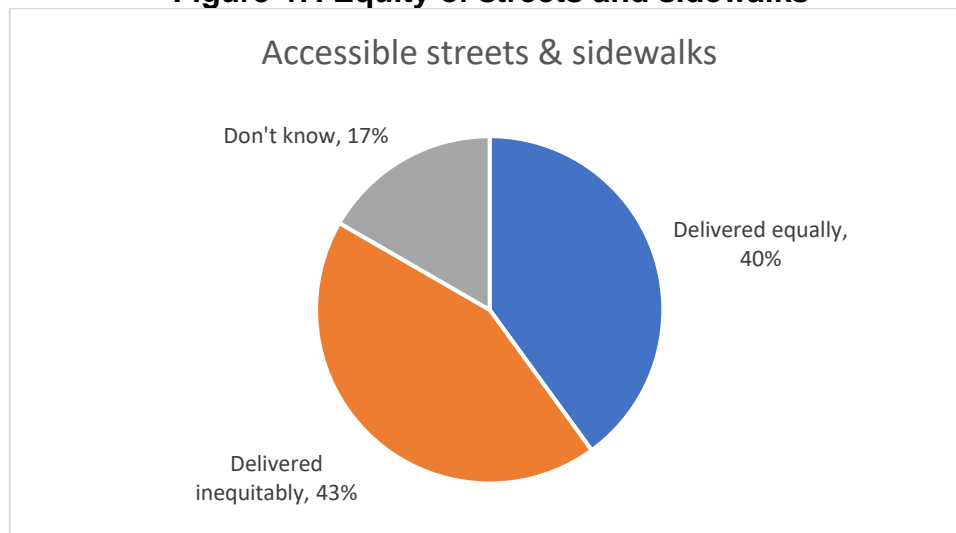


Asked to specify the locations that access to social services is lacking, respondents wrote:

- Housing/jobs
- Lack of mental health and substance abuse services for low income people.
- Social services depts are located primarily on the north side of town and I've heard that public transit takes a long time and multiple routes to get there
- Food assistance employment
- South side of Fort Collins
- Homelessness services need to be throughout not just in the North side of town.
- SE FTC

Accessible streets and sidewalks. Overall, 43% of stakeholders feel that accessible streets and sidewalks are delivered inequitably in Fort Collins, while 40% feel they are delivered equitably.

Figure 47. Equity of streets and sidewalks

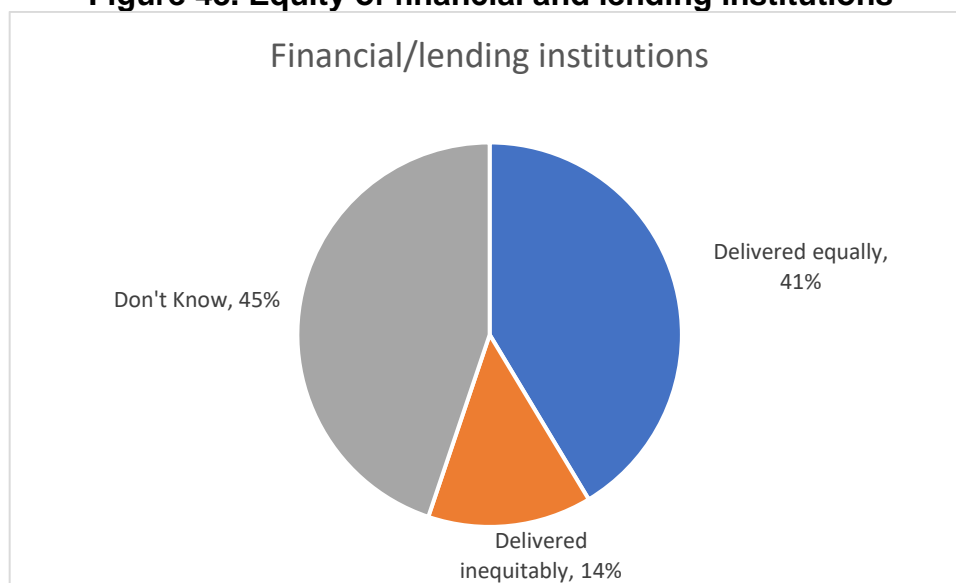


Asked to specify the locations that accessible streets and sidewalks are lacking, respondents wrote:

- Some sidewalks in town are still the older very narrow ones
- When it snows, the main roads get plowed however the side roads and private communities that still are city maintained receive far less attention even after days later.
- South side of Fort Collins
- North-west
- Very poor accessibility when it snows
- Most sidewalks are not wide enough for wheelchair accessibility
- Horsetooth between Shields/Taft

Access to financial and lending institutions. Overall, only 14% of respondents feel that financial and lending institutions are delivered inequitably in Fort Collins. No stakeholders responded to the request to specify the locations that financial and lending institutions are lacking.

Figure 48. Equity of financial and lending institutions



Additional information Stakeholder were given the opportunity to provide additional comments on housing needs and fair housing issues. Stakeholder primarily expressed concern about housing affordability.

Write-in responses:

- Stop giving corporations tax breaks and fee waivers for things like remodeling the mall and instead use incentives to encourage affordable housing development.
- I know many don't want more density but sometimes higher density is required to help with affordable housing. With higher density though must also come commercial service that are nearby like grocery stores, restaurants and parks.

- If we do not focus on Affordable Housing, our community will not attract the best of the best. Teachers for example, can't qualify for a home because they do not have enough income. If Fort Collins ever has limited growth initiative or no growth, housing prices will only go through the roof and our community will start to lose our finest and best professionals to other communities.
- Housing prices have increased far faster than inflation or wages. Affordability is a huge problem. It's not clear to me what the solution(s) is/are - but tinkering with it around the edges clearly won't be sufficient. The general affordability problem is at least partly the result of growing income inequality all across American society.
- 5% affordability of local inventory and 17% poverty is the greatest barrier to housing access in Fort Collins. Need more income-based housing.

Section Six: Fair Housing Conclusions and Recommendations

Sections II through V present the research and public outreach processes conducted as part of the City of Fort Collins 2012 AI. This section begins with a summary of fair housing activities conducted and/or funded by the City of Fort Collins, and then lists the primary findings from the 2012 AI research. It concludes with a proposed Fair Housing Action Plan (FHAP).

6.1 AI Requirements

Unique requirements of AIs. HUD’s Fair Housing Planning Guide, Volume 1, recommends how jurisdictions should approach completing the AI. Subsequent HUD guidance and language in Notices of Funding Availability (NOFAs) and Voluntary Compliance Agreements (VCAs) provide additional direction on how to approach specific AI tasks. Because some of the AI tasks differ from what might be done in a traditional housing needs assessment, the reasons for the more unique aspects of AIs are clarified below.

Disproportionality analysis. HUD has expressed increasing interest in understanding if protected classes are disproportionately served by assisted housing providers relative to their income-adjusted representation in a community as a whole. For example, a very high proportion of residents of one race or ethnicity occupying public housing may indicate that they are having difficulty—because of discrimination or other factors—finding housing in the private sector. The disproportionality analysis for Fort Collins appears on page 37 of Section II of the AI.

Distribution and quality of municipal services. As part of their efforts to “affirmatively further fair housing choice,” jurisdictions should ensure that residents have equal access to community amenities that contribute to their enjoyment of their homes and living environment. It would be a discriminatory practice for a jurisdiction to deliver a lower level of public services (e.g., trash pickup, parks maintenance) to a neighborhood that is ethnically concentrated. In the Fort Collins AI, stakeholders were asked to opine on the distribution of community services in the City. The City also evaluated parks amenities for the AI; this appears at the end of Section II.

Lending practices. HUD also requires a review of private practice activities related to the rental and sale of housing in AIs. Home Mortgage Disclosure Act (HMDA) data are the best source to identify housing mortgage lending practices and how they differ by race and ethnicity. HMDA data do not contain all of the variables that are used in the lending decision, however, so the data can only provide an indication of lending disparities. Cultural practices in maintaining revolving credit (an important factor in evaluating creditworthiness), for example, may be the reason that certain borrowers have higher rejection rates than others.

6.2 Fair Housing Activities, 2017-2020

Fair Housing Activities. The City of Fort Collins, over time, has made deliberate decisions towards a community of inclusivity and equality. In 1974, the City passed its own non-discrimination ordinance, which became Chapter 13, the Human Relations section of the City's Municipal Code. At one point, the City resourced a Human Rights Office, which included a full-time Human Rights Officer. Sadly, with the prolonged economic downturn and budgetary challenges, that function was eliminated in the first Budgeting for Outcomes (BFO) cycle in 2006. However, in 2017 the City hired an Equal Opportunity and Compliance Manager (EOCM) to work within the City Manager's Office. One component of this role is to provide training on ADA, Title VI, Section 504 and Fair Housing to City employees. The EOCM is also a City staff liaison for the Commission on Disabilities, which provides community feedback for Council, and in 2018 became the liaison to the Human Relations Commission as well. The City's website has continued to provide Fair Housing information and complaint resources both on the City Manager's Office and Social Sustainability department webpages, and fair housing information is now available on the Community Development and Neighborhood Services webpage as well.

In 2015 the City created an Equity and Inclusion Coordinator position which works to advance equitable outcomes for all, both internally and externally, by coordinating cross-functional teams that make policy and program recommendations and deliver a variety of trainings in the equity, inclusion and diversity space. That same year, the City began work on improving its Municipal Equality Index, which measures how welcoming the community is to the LGBTQ+ community. In 2015 the score was 60/100. In 2019 the score has increased to 95/100.

Overall, the City's efforts demonstrate both heightened awareness and increased staff capacity for addressing identified needs within minority and historically under-represented communities, while recognizing our efforts are still considered nascent in some respects. More work is being done specifically on applying an equity lens to programs, policies and budgets while enhancing the organization's approach to more inclusive engagement practices.

In conjunction, these efforts show an increased awareness and consideration of minority and vulnerable populations within the community, and intentional efforts to ensure residents are comfortable coming forward with complaints around fair housing and other discriminatory practices.

Policy. The City addresses Fair Housing Issues on many levels. As outlined at the beginning of Section III of this document, Fort Collins' Comprehensive Plan, *City Plan*, contains overarching policy statements that promote balanced and integrated living patterns. Topics addressed include the goal of a mix of housing types in all city sectors. Additionally, affordable housing is encouraged to be dispersed throughout the City. While not specifically addressing protected classes, those planning goals do speak to the issue of areas of concentration. With the goal of maintaining community awareness, each spring the City promotes April as "Fair Housing Month." A Land Use Code ordinance was passed in 2017 establishing an administrative review process and criteria for assessing requests for reasonable accommodations. The City continues investigate the potential of ADUs to help distribute

affordable housing throughout the community and has enacted a moratorium on the redevelopment of mobile home parks, as well as created a Mobile Home Park Neighborhood Improvement & Community-Building Mini Grant for improved livability in parks within city limits. The City also maintains a webpage of opportunities and resources for residents of mobile home parks.

Funding procedures. Applications for the City's Competitive Process funding for affordable housing and human services programs and activities are given additional consideration for serving special populations (although not always protected classes). Housing applications are also assessed according to the goals outlined in the Affordable Housing Strategic Plan (AHSP). Housing applications include questions about meeting AHSP goals, Fair Housing, ADA, serving low-income populations, energy efficiency, and proximity to transit lines. In addition, applications are checked for items such as meeting local building standards for percentage of accessible units. Successful funding awardees, as part of the contract execution process, sign an Anti-Discrimination/Affirmative Action Statement. That document is required by HUD but contains the most protective language in force for protected classes. For example, until recent federal clarification on forbidding discrimination based on sexual orientation, the City's document already included the more protective state of Colorado language covering sexual orientation as a protected class. Additionally, funding recipients are monitored regularly to ensure compliance with Fair Housing regulations.

Community resource. The City's Community Development and Neighborhood Services department (CDNS) is the most actively engaged in promoting and dealing with day-to-day fair housing activities in the community. That division's webpages are a practical resource for a variety of fair housing and civil rights topics and are especially helpful for landlord-tenant matters. The webpages include a video of one of the several Fair Housing Workshops sponsored by that City division. CDNS also provides Landlord Trainings, which include a section on Fair Housing practices. In addition, CDNS employees provide assistance and mediation services for a variety of landlord and tenant disputes. Personnel in several key City departments are trained to refer citizen concerns to the appropriate regulatory agencies: HUD's FHEO Division for Fair Housing concerns, and the State of Colorado's Civil Rights Division for civil rights matters. Citizens may also file a civil rights complaint directly with the City Manager's office. The City also developed an internal webpage resource for staff to assist them in making appropriate referrals for Fair Housing concerns and provides an online training video to staff on the Fair Housing Act. The Social Sustainability department has also added webpages to provide Fair Housing and Discrimination Complaint information to the community. CDNS has links to those pages on their website.

Programs to address affordability. Although lack of affordable housing is not, per se, an impediment to fair housing choice, it can complicate fair access to housing for certain protected classes. As one of the more desirable communities in Colorado and the home of a large university, it has been a challenge for Fort Collins to offer a range of housing prices. The Colorado Construction Defect Law has impeded the development of condominiums in Fort Collins for many years, constricting the availability of "move up" ownership properties. HB 1279 passed the Colorado Senate in March 2017 and will provide some relief by requiring that legal action against a builder for alleged construction flaws only proceed when more than half of all

homeowners in a condominium complex agree to it. Still, even now we are seeing less market production of entry level home-ownership than needed by the community. This is one of the reasons the City established a partnership with Elevations Community Land Trust to create permanently affordable home-ownership opportunities in the City. Their first project in Fort Collins is the conversion of public rental housing purchased from Housing Catalyst, the Fort Collins Housing Authority, into affordable for sale homes.

Strategic Planning. For decades, the City has been focused on a strategic framework in responding to the community's affordable housing issues. Fort Collins' Affordable Housing Strategic Plan was updated in 2015, and contains the City's policies and priorities for this community component. This latest document lays out five priorities in working to tackle affordable housing needs:

- Increase the inventory of affordable rental units
- Preserve the long-term affordability and physical condition of the existing stock of housing
- Increase housing and associated supportive services for people with special needs
- Support opportunities to obtain and sustain affordable homeownership
- Refine development incentives and expand funding sources and partnerships

Additionally, the Plan proposes a long-term goal of 10% of housing stock to be affordable in the long term planning horizon or about 2040. To address its affordability needs, the City combines federal block grant and local funding with a handful of progressive programs. These include not insignificant developer incentives (reviewed as part of the land use and zoning analysis) and a voter approved Affordable Housing Capital Fund (through 2025), as well as a land banking program. The City recognizes that housing is a community issue and partnerships are required to meet our goals. The recently adopted comprehensive City Plan was very housing centric and sets the foundation for updating a new housing plan that will cover then entire housing spectrum, including but not limited to affordable income ranges. This plan will include principles of equity and public engagement will be strategic in including previously underrepresented voices. Fort Collins works to encourage a mix of housing types in all geographic city sectors.

The Competitive Process. The City allocates millions of dollars from four funding streams through its annual Competitive Process. When additional funds are available, the City may hold an additional cycle which is focused on housing-related proposals. Housing funding proposals received are assessed against the Affordable Housing Strategic Plan priorities and the goals of the Consolidated Plan to establish priority ranking for funding recommendations.

Types of programs and proposals funded through the Competitive Process, using the City's federal CDBG and HOME funds, as well as the City's Human Services Program and Affordable Housing Fund dollars, include:

- Housing rehabilitation and accessibility improvements for low-income homeowners.
- Lot acquisition for development costs in support of affordable housing development (both rental and ownership).
- Emergency rent assistance and first month's rent assistance programs; funds for emergency shelter operations for both the general population and domestic violence survivors; funds to support case management and emergency assistance (including housing, utilities, medication and other life needs) for agencies working with those who have a disability or HIV/AIDS; and funds to assist programs which keep seniors living independently.
- Funds for activities—such as childcare scholarships—that stabilize and assist households, and indirectly contribute to job and housing stability.
- Comprehensive self-sufficiency programs for single parents, which address a housing stability component as part of the case management assistance.

Developer incentives. Developers of affordable housing in the city receive:

- Reduced planning application fees (reduced by the proportion of affordability).
- Priority processing—reduced City staff turnaround time (project goes to top of workload).
- Once entitlement is achieved and the development is in the building permit process, the City delays development impact fees until certificate of occupancy. The City does not waive these fees, although CDBG and HOME funds are available through the Competitive Process for eligible developers to pay impact fees. CDBG funding can also be used, on a very limited basis, for some development fees tied to onsite infrastructure for a project.
- Density bonus in one of the City's residential zones—for example, if the current zoning maximum is 9 units per acre, an affordable development would be allowed 12 units per acre.
- Reduced landscaping requirements (e.g., gallon sized shrubs v. three gallons). The City does not have an inclusionary zoning ordinance. The City considered adopting an ordinance but was dissuaded by Colorado's prohibition from including rental units as part of inclusionary zoning.

Housing trust fund. The City has a housing trust program (the “Affordable Housing Fund”) that is funded through General Fund contributions. The City’s budgeted dollars were the trust’s sole source of revenue. The City recently established an additional revenue source for the Affordable Housing Fund via the Building on Basics local tax. It is anticipated that this fund will collect 4 million dollars over 10 years. Currently, the annual contribution is approximately \$525,000. Historically, this figure has been as high as \$875,000 and as low as \$285,000, depending on budget constraints and priorities. The trust fund dollars are used to supplement federal grant monies awarded (CDBG and HOME) for housing programs and projects. The City dollars carry fewer regulatory restrictions, and there is more flexibility for the types of activities that can be funded.

Land banking. Fort Collins established its land banking program with a general fund contribution of \$1 million. The City’s program is specifically designed to acquire property for development of affordable housing units—it is a hedge against rising land costs. Under the program, the City acquires property and holds it long-term (a minimum of 5 years, but more likely 7-10 years). After a holding period ends on a specific property, the next step is for the City to issue an RFP for affordable housing project development on the site. However, the City is not permitted to use the land bank as an investment vehicle (e.g., to generate monies to fund affordable housing development). In 2015 a study was conducted to guide disposition of existing sites and acquisition of additional sites. In 2018 the first lot was developed to provide 96 units of affordable multi-family housing into perpetuity. In 2020, the City acquired an additional 5-acre parcel for the program, the first property purchase since 2006.

Displacement. The City conducted a competitive process to select a consultant to assist Social Sustainability staff with developing a Relocation plan for low income residents displaced through redevelopment activities, including mobile home park redevelopment. The study was completed, and the Redevelopment Displacement Mitigation Strategy was adopted in March 2013.

Public services. Nonprofit organizations in Fort Collins provide significant supports to the city’s most vulnerable populations. Disabled Resource Services provides assistance to 6,000 persons with disabilities in Larimer County (4,000 in Fort Collins) each year through advocacy, funding, housing, and more. Elderhaus provides day care for adults with disabilities. Catholic Charities provides overnight shelter, programming, and supportive services to those experiencing homelessness as well as services to seniors to help them maintain independence. The City supports LHIP (Larimer Home Improvement Program) which offers grants and zero interest loans to low-income homeowners for repairs, safety, and accessibility upgrades. Other providers supported through the Competitive Process provide childcare, behavioral health treatment, advocacy for youth and people who have experienced sexual assault, services for veterans and people living with AIDS, home health care, dental assistance, and feeding programs, among others. Dollars are focused on benefitting low-income and other vulnerable populations.

Community development. Some residents perceive that the north side of Fort Collins has received less community investment than other parts of the community. Part of this

perception results from the relative lack of development and redevelopment of older facilities located north of the Poudre River. This relatively slower development means that older infrastructure was originally installed when the City's development and street standards were lower than they have been in more recent years. Newer development must provide a greater amount of infrastructure which is regulated by design standards that provide attractive streetscapes, bike lanes, sidewalks, medians and other amenities. In newer areas of the community, a portion of these amenities are provided directly by development and a portion is provided by the City through fee revenue. The north side has benefitted in recent years from the development of the King Soopers Marketplace, a shopping center anchored by the large grocery chain. With this development came improvements to North College—the City of Fort Collins, Larimer County, and Colorado Department of Transportation (CDOT) are working together to bring North College Avenue/US Highway 287 (from Jefferson Street to Highway 1) the amenities needed to support traveler safety, economic vitality and community livability. Four sections of a five-part project are complete, improving this northern gateway to Fort Collins. Constructed improvements brought these sections of North College up to the City's current street standards. CDOT is currently constructing roadway improvements from State Highway 1 to the LaPorte Bypass, including pedestrian and multi-modal improvements. The section of North College from the City limits to State Highway 1 will be the only remaining section with inadequate pedestrian and multi-modal facilities from Jefferson Street to the LaPorte Bypass.

In order to address existing deficiencies in older sections of the community, the City has implemented several strategies. As redevelopment occurs, new standards are applied to developers, bringing up the quality of infrastructure in older areas. Fee revenues and service level standards such as parkland standards are applied as redevelopment occurs. In addition, the City has made other capital investments through voter approved capital improvement programs. Examples of these projects have included College Avenue Improvements from Jefferson to Vine (1999-2001), Northside Aztlán Community Center replacement (2006), the current North College Avenue Improvements, Northeast College Corridor Outfall Project (NECCO), and Lincoln Corridor Improvements (2017). By funding these projects through city-wide sales tax measures, the entire community has invested in addressing existing infrastructure and recreation deficiencies on the north side.

Other community investments have included the implementation of the North College Urban Renewal Authority (URA), and the construction of Soft Gold Park funded partially through General Fund contributions. The URA has contributed to several projects in the North College corridor that have enhanced the community and addressed historic inequities related to provision of services. The City and URA contributed millions of dollars to add curb, gutter, sidewalk, and bike lanes to North College. Through a similar partnership the City and URA also built a regional detention pond to remove development impediments to the area and alleviate flood risks in existing neighborhoods. An independent movie theater, the Lyric Cinema Cafe, also relocated to North College with assistance from the URA. The Lyric's move to North College brings new entertainment options to the north end of Fort Collins that historically did not exist.

Transfort has realigned routes 8 and 81, which serve north Fort Collins, including access to social service agencies and mobile home parks, to provide more reliable service and has

increased headway to 15 minutes on both of these routes. This is faster service than is available in most other parts of the community. Transfort is developing a Budgeting for Outcomes offer to be submitted in the spring, requesting funding for short term solutions for improved north side services and long-term planning to achieve a Max-like service for North College.

6.3 Prior Analysis of Impediments, 2012/2017

Fort Collins last conducted an AI in 2012 with updates in 2017. The impediments found in that AI include the following:

Figure VI-1. Impediments from City of Fort Collins 2012 AI	
Impediment	Description
Impediment No. 1	Some housing discrimination occurs in Fort Collins, especially for low income residents.
Impediment No. 2	Hispanics have much higher mortgage loan denial rates than non-Hispanics.
Impediment No. 3	The lack of affordable housing disproportionately affects some protected classes, especially persons with disabilities.
Impediment No. 4	Fair housing awareness and knowledge could be improved.

6.4 Fair Housing Impediments, Observations, and Actions

The impediments and observations in this AI were developed through a variety of research methods including demographic and housing market analyses; reviews of complaints and legal cases; analysis of mortgage lending data; a review of zoning and land use policies; interviews and meetings with stakeholders; as well as surveys of stakeholders and residents.

The impediments and observations described in the following text represent common themes and repeated occurrences found throughout the research. In keeping with HUD's guidance in identifying impediments:

- An “impediment” has the direct or indirect cause or effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin; and
- An “observation” is a fair housing issue that may create an impediment to fair housing choice; however, there is not a direct link to the cause or effect (“nexus”) of the action.

Impediments. The fair housing impediments found in the 2020 AI research include the following:

Impediment 1:	Lack of awareness of Fair Housing law. There is a lack of knowledge of Fair Housing law, particularly around reasonable accommodations. Most formal complaints were resolved with a “no cause” determination. However, landlords, tenants, and service providers would benefit from increased education around Fair Housing law, including rights and responsibilities.
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Action: Strengthen fair housing information, educational and training opportunities. The City will:

- Sponsor an annual training session for landlords and tenants, and community organizations that have contacts with protected classes. Focus on fair housing protections for persons with disabilities and reasonable accommodations.
- Provide fair housing information on the City website, including the Neighborhood Services and Social Sustainability departments’ webpages. These describe fair housing protections, contain links for more information, and provide contact information if residents believe they have been discriminated against.
- Provide fair housing education to City staff through internal City webpages, training video and quiz, and Fair Housing educational “road show” for departments with frequent resident contact.

Impediment 2:	Some discrimination in housing still occurs. Survey respondents identified that discrimination occurs in housing. Family size, age, race, and income were the primary reasons respondents felt they were either denied housing or received disparate treatment regarding their housing. Additionally, the failure of housing providers to make reasonable accommodations for tenants with disabilities was identified as a form of housing discrimination.
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Action: Improve the housing environment for people with disabilities. People with disabilities have many challenges finding affordable, accessible housing in Fort Collins and may experience housing discrimination. The City will:

- Prioritize reducing barriers to fair housing choice for persons with disabilities in all City-funded affordable housing developments.
- Continue to make development of affordable, accessible housing near transit a housing priority. The City will use its affordable housing tools (e.g., housing trust,

land bank) to encourage developers to build additional affordable, accessible rental units for people with disabilities.

- Encourage the production of “visitable” and accessible housing by private sector developers by offering enhanced development incentives (or, alternatively, by reducing incentives for affordable housing that is not visitable).
- Continue to support transit-oriented development (TOD). Development standards in the TOD overlay zone are modified to encourage land uses, densities, and design that enhance and support transit stations along the Mason Corridor.
- Continue to support nonprofit organizations working to assist persons with disabilities in securing and retaining housing.
- Continue to support nonprofit organizations that provide accessibility improvements and reasonable accommodations.

Impediment 3:

Disparities in mortgage lending practices exist. Research indicates that Hispanic/Latino applicants have been denied loans at a higher rate than white applicants, regardless of income. Of particular note, the Hispanic/Latino denial rate for poor credit was 38%, while the Not Hispanic rate was 20%. This indicates that support for programs that address credit access for Hispanic/Latino persons, such as consumer education and financial literacy programs, are actions the City can take to ameliorate this disparity.

Action: Support efforts to improve residents’ establishment and building of credit. The City will:

- Continue to improve the City’s discounts and rebates programs, to be more accessible and equitable for lower income residents.
- Support local credit counseling agencies in their efforts to educate residents about good personal finance practices and their understanding of mortgage loan financing.
- Refer residents who contact the City with personal finance or credit questions to local counseling agencies.
- Continue to provide financial support through competitive grants to nonprofit agencies that provide financial counseling to residents. These include:
 - Neighbor to Neighbor Housing Counseling—the homeownership program includes homebuyer education, home purchase advising, foreclosure prevention counseling, a homebuyers’ club, reverse mortgage counseling and a post-purchase workshop.

- Neighbor to Neighbor Homelessness Prevention and First Month's Rent Assistance— financial assistance is provided in conjunction with either in-depth counseling including lease review, budgeting, and renter rights and responsibilities, or with supportive services and case management.
- Project Self-Sufficiency—PS-S focuses on assisting low-income, single parents to become self-sufficient through career planning and supporting education/training and living wage employment. Participants develop a budget and are assisted with applying for financial aid, scholarships, and assistance programs.
- Several other agencies funded by the City include financial counseling or education as part of their supportive services and case management. These include Catholic Charities, Crossroads Safehouse, Disabled Resource Services, Homeless Gear, Murphy Center, and The Matthews House.

Impediment 4:

Housing affordability disproportionately impacts people who have lower incomes and/or are members of a protected class, especially persons with disabilities. Public housing and the voucher program provide housing to protected classes at higher rates than their representation of persons in poverty.

Action: Support programs, projects, and organizations that improve housing access and affordability. The City will:

- Continue to fund projects that serve people who are low income and members of protected classes.
- Ensure availability of housing that is affordable across the community, by continuing to fund affordable housing projects that are equitably distributed throughout the community, avoiding concentrations of poverty.
- Continue to consider access to public transportation in the development review process for new affordable housing projects. Continue to support transit-oriented development and prioritize development of housing with access to transit.
- Continue to collaborate with partners on workforce development and wage disparity reduction. Enhance engagement with women and minority-owned businesses.
- Use the newly developed equity toolkit and Triple Bottom Line assessments to evaluate all large-scale projects with community impact. Use an equity and inclusion lens to evaluate impact on land use, planning, development, and workforce development.

- Continue to evaluate the nexus between housing and health outcomes and develop mitigation efforts.
- Continue to analyze City operations, procedures, and policies through an equity lens and develop changes as needed.
- Continue to develop policies to protect mobile home parks and their residents.

Observations. The fair housing observations found in the 2020 AI research include the following:

<p>Observation 1:</p>	<p>Fort Collins has some concentration by ethnicity. The City of Fort Collins recognizes that there is a concentration of people of Hispanic/Latino origin in the north part of town, particularly in three contiguous neighborhoods on the north part of town, known collectively as Tres Colonias. These are historically Hispanic/Latino neighborhoods with a vibrant history and culture. Residents are actively mobilized against gentrification in these neighborhoods and the City is working with them for culturally and community informed improvements, such as gutters, sewers, sidewalks and neighborhood parks. Residents of these neighborhoods have continuing concerns about displacement due to escalating housing costs and developments.</p>
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Actions: Continue to pursue infrastructure and public amenity equity. The City will continue its efforts to address existing infrastructure deficiencies on the north side:

- Stormwater is improving storm drainage as part of the ongoing Northeast College Corridor Outfall project (NECCO). This project will improve infrastructure, eliminate overtopping of Vine Drive during a 100-year storm event, and remove some areas from the City floodplain.
- Stormwater is working with business leaders and residents of the North College area to create equitable stormwater solutions that will improve developability of available land.
- Lincoln Avenue improvements were recently completed in the North College area. These include utility upgrades/relocations, a new center turn lane, and pedestrian connectivity enhancements, including a pedestrian crossing signal from the Anderson neighborhood to cross Lemay. The goals of the project were to create a street with a unique identity; improve mobility, safety, and experience for bicyclists, pedestrians, transit users and vehicles; and create an environment where local businesses can thrive.

- The Poudre River Whitewater Park was completed October 2019 and offers year-round recreation on the river just north of Old Town. The park is free to use and offers amenities for kayakers, tubers, and children—providing safe access to the water while improving river health. The site plan includes ADA river access and accessible fishing.
- The Poudre River Master Plan includes plans for relocating the Hickory Bridge in North College to improve access to Legacy Park. The Hickory Bridge relocation will link Legacy Park with Lee Martinez Park, improving access, and providing an overlook to the river. Improved amenities should enhance the swimming, wading tubing/boating, and play experience while protecting the environment from further degradation caused by intensive use. Bank stabilization and other improvements may include hardscape/stone terraces, ADA river access, picnic shelters, benches and other features intended to support river-related recreation.
- The City working on improvements to Heritage, Lee Martinez and Legacy Parks to better celebrate the river and enhance a wide variety of recreational opportunities near the river. All of these parks are in the North College area.
- The City completed Sugar Beat Park, a new community park in the Tres Colonias area.
- Transfort has expanded service to include Sundays and holidays, improved services in the north Fort Collins area, and is working toward a Max-like service for north College Avenue.
- Bike Share was implemented city-wide in 2016. The Equity Team was consulted regarding location placement and specific emphasis was placed on access for north Fort Collins residents.

Observation 2:

Land use code and policy updates could improve the housing market for people who are low-income and/or members of a protected class. Ongoing community engagement efforts will be used to identify code and policy changes which will support expanded housing choice.

Action: Pursue public engagement activities to inform Land Use Code and policy updates through Home 2 Health.

Home2Health is a collaborative, two-year project led by the City of Fort Collins Planning and Social Sustainability Departments and funded by the Colorado Department of Public Health and Environment's Health Disparities Grant Program. The project includes the following community partners: The Family Leadership Training Institute at CSU Extension, the Center for Public Deliberation at CSU, The Family Center/La Familia, the

Partnership for Age-Friendly Communities, and the Larimer County Department of Health and Environment.

The objective of the project is to implement updates to policies, codes, and regulations to improve housing affordability with a specific emphasis on health equity. This effort is based on community dialogue and capacity building, to ensure that voices and ideas of community members who are experiencing housing instability are reflected in the process and decisions.

This project addresses the health inequities we have identified among low income and Hispanic/Latinx residents in Fort Collins with an action-oriented project design that includes multi-level capacity building, authentic engagement of vulnerable populations and the community at large, long-term partnership development, intensive policy and regulatory analysis, and clear leadership commitment to action.

The Home2Health community-driven approach has included assessing potential land use regulation and housing policy solutions in year one and will include implementation of the identified solutions in year two.

Potential land use and policy changes being considered include but are not limited to:

- Community land trusts
- Policies to encourage preservation of existing affordable housing
- Additional incentives and flexible land use standards for new affordable housing development
- Increases to allowable densities in zoning and land use codes
- Changes to impact fees

Though this list of potential changes is based on current work being done at the City, an intensive community engagement process has been a central component of this project and may result in the identification of different, more applicable solutions.