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Oklahoma City

Analysis of Impediments to Fair Housing Choice

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EXECUTIVE SUMMARY

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE
OKLAHOMA CITY

Executive Summary

Oklahoma City Analysis of Impediments to Fair Housing Choice

The Analysis of Impediments to Fair Housing Choice, or AI, is a planning process for local governments and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

Primary Findings

The analyses of demographics (Section I), disproportionate housing needs (Section II), land use and zoning (Section III), and access to opportunity (Section IV), yield the following primary findings.

Demographic patterns—segregation and integration:

- African American residents have historically faced the most housing and economic exclusion in the region. This is manifest in the city's concentrated areas of poverty, which continue to be disproportionately occupied by African American residents. However, recent demographic trends show African Americans moving from traditionally higher poverty areas into more suburban areas with the city.
- Hispanic residents, whose population has increased significantly in recent decades, are increasingly concentrated within the city's highest poverty areas.
- Oklahoma City has 19 Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs). These are neighborhoods that have a poverty rate of 40 percent and higher and are more than 50 percent Non-White and Hispanic residents. All of the R/ECAPs in the greater region are located within Oklahoma City's boundaries.
- Segregation, which has historically been most prominent for African American residents, has decreased modestly since 1990 as measured by the Dissimilarity Index (DI). Segregation of Asian residents, which has been historically low, has also been declining. In contrast, segregation, as measured by the DI has been increasing for Hispanic residents.

Disproportionate housing needs:

- Rising rents and tightening of the rental market has disproportionately hurt very low income single-person households and families, many of whom are racial and ethnic minorities, persons with disabilities, and elderly residents.

- Similarly, rising home prices has introduced predatory lending and home purchase activity—e.g., “we’ll buy your house as is” offers, rent to own scams, and predatory lending.
- Weak state laws to protect tenants from evictions without just cause exacerbates their vulnerability and increases homelessness, an undesirable outcome which is costly for the public sector.
- Residents and landlords would benefit from increased education and training, including fair housing laws and requirements and “good tenant” classes. Fair housing information should be more intentionally marketed through social service agencies and in grassroots newspapers and social media networks.
- There is growing concern about the effect of city-facilitated redevelopment efforts on displacement of low income and minority residents and skepticism that leadership is working in the best interest of these residents.
- Multifamily developments are not being built to comply with the accessibility requirements under the Fair Housing Act due to lack of inspection/testing and enforcement.

Land use and zoning. The regulatory review of Oklahoma City’s zoning and land use policies found many areas where the code could be clarified or strengthened to avoid fair housing challenges. Areas to clarify or strengthen include: the code’s definition of family; the code’s treatment of persons living in group homes; and densities and development standards to accommodate a wide range of housing types and products to encourage affordability and discourage economic segregation.

Access to opportunity:

- Compared to other cities in the Oklahoma City region and Tulsa, African American and Hispanic residents in Oklahoma City are more likely to live in high poverty neighborhoods. In fact, Non-Hispanic White and Asian residents living below poverty in Oklahoma City have better access to low poverty neighborhoods than do African American and Hispanic residents overall. This is a factor of the concentration of many African American and Hispanic residents in a handful of high-poverty neighborhoods within the city.
- African American, Hispanic, and Native American children have lower access to high performing elementary schools relative to Non-Hispanic and Asian children. This is true for many cities in the region and for Tulsa. Only Edmond demonstrates high levels of proficiency for students across races and ethnicities and income levels.
- Oklahoma City offers equal access to jobs among races and ethnicities and income levels. Yet there is significant disparity in unemployment and educational attainment among residents, meaning that not all residents can benefit from city’s labor market. Expanding employment access and opportunities for Hispanic, African American, and Native American residents would benefit these residents and the city overall.

- Residents and stakeholders who participated in focus groups about barriers in access to economic opportunity focused on inadequate transportation—especially public transit to serve persons with disabilities; needed accessibility improvements and more equitable distribution of quality parks; and equity in education.

Priority Areas for 2020-2024

Decades of exclusionary policies at the federal, state, and local level limited the ability of many racial and ethnic minorities, people with disabilities, women, and non-traditional households from exercising housing choices and building wealth. The effects of these policies are challenging to reverse—yet, as demonstrated by many of the indicators in this AI, and the discussion city efforts in Section V, progress is being made within Oklahoma City. The areas where the city should continue to work to break down barriers to housing choice and economic opportunity include:

- **Expand affordable rental housing options** for extremely low income residents who are most vulnerable to discrimination, evictions, displacement, severe cost burden, and homelessness. These residents are disproportionately likely to be racial and ethnic minorities, women/single mothers, persons with disabilities, and persons with mental illness challenges;
- **Improve resident and landlord understanding of fair housing rights** and responsibilities, as well as good tenant and good landlord practices;
- **Narrow the gap in mortgage loan denials and subprime loans** among minority residents, improving low homeownership rates, and combatting predatory lending activity. Work with partners to narrow the gap in mortgage loan denials and subprime loans among minority residents through education and outreach activities that combat predatory lending and expand alternative ownership products (e.g., attached and land trust products).
- **Mitigate displacement** as part of urban renewal and revitalization efforts. Some residents and stakeholders view urban renewal activity as a threat to affordable housing and neighborhoods that have historically housed people of color. The city should be proactive with future urban renewal activities to ensure urban renewal does not result in displacement of low income residents, residents of color, and cultural enclaves;
- **Address gaps in economic opportunity** by lowering concentrated poverty and improving access of African American and Hispanic children to high quality schools; and
- **Improve access to public transit and parks** for underserved areas and residents, including persons with disabilities.

MAPS 4 and fair housing. The recently approved MAPS 4 initiative will be instrumental in addressing barriers. Many MAPS 4 priorities—e.g., developing 500 new ADA-accessible bus shelters—will address some of the barriers identified in this report.

Implementation of MAPS 4 should be viewed through an equity lens and consider the barriers identified in this study. For example, the \$87 million in funds to transform the public transit system should prioritize expanding access to low income households and families and improve the effectiveness of para- and accessible transit. Similarly, investments in sidewalks and placemaking should improve equitable distribution of parks and trails, including accessibility improvements, and yet be mindful of the risk of stimulating market investment that leads to gentrification.

Current Impediments and Fair Housing Action Items

This section details the current impediments to fair housing choice and outlines a recommended set of action items to address the impediments.

Impediment No. 1—Homeownership barriers.

African American, Hispanic, and Native American households find it more difficult to access credit to purchase homes, refinance existing mortgage loans, and/or improve their homes. African American borrowers face high denials even after adjusting for income levels, and Hispanic borrowers are more likely to get high-rate loans. These practices not only have the effect of limiting homeownership opportunities, they also negatively affect housing conditions in certain neighborhoods and perpetuate inequities caused by historic discrimination.

As the city's market has improved, speculative purchases have raised the cost of entry-level ownership housing and property taxes.

Action steps:

- Monitor HMDA data on mortgage loan denials and subprime lending activity including the disproportionate impact on minority borrowers. Fund education and outreach to teach vulnerable residents how to avoid predatory lending, rent to own scams, and high-risk loans.
- Eliminate rezoning requirements for homeownership developments and land trust communities that add affordable products through gentle infill.
- Integrate land trusts into redevelopment activities to mitigate resident displacement and expand affordable homeownership options. While several land trust models exist nationally, the common element is that the land trust retains ownership of the land, thus buying down the cost of homeownership by taking expensive land values out of the equation. The Lowry neighborhood in Denver, a major urban

redevelopment/urban infill project, integrated land trust homes into the new neighborhood to expand homeownership across the income spectrum.¹

- Fast track approval of affordable housing developments. Waive, discount, or defer fees for affordable housing, with greater discounts for deeper levels of affordability. Consider exempting affordable units from property taxes.
- Ensure that city-funded rental and ownership developments built in high opportunity areas exercise affirmative marketing to encourage applications from racial and ethnic minorities living in areas of concentrated poverty.

Impediment No. 2—Discrimination in rental transactions and lack of affordable rental and accessible housing.

The city's shortage of affordable rental options disproportionately affects residents with low incomes who include racial and ethnic minorities, single mothers, residents with disabilities, residents with mental health challenges, and residents with substance abuse challenges. These residents are very vulnerable to being denied housing, being evicted, facing challenges finding housing near quality schools, facing challenges finding accessible and affordable housing, and falling into homelessness—all of which are outcomes that negatively affect the public sector.

Action steps:

- Prioritize city funding to greatly expand the number of affordable housing units with supportive services to serve households who are most vulnerable to discrimination, evictions, and homelessness.
- Fund nonprofit legal representation for renters in the process of eviction to negotiate solutions other than eviction and avoid homelessness. Connect city code enforcement officers with nonprofit legal representation to help negotiate improvements to rental properties without eviction threats.
- Improve the city inspection process for accessibility requirements of the Fair Housing Act to ensure that developers are creating accessible units.
- Consider funding a local program similar to that in Reno, Nevada (administered by Silver State Fair Housing) in which developers are notified of their accessibility requirements at the permitting stage and are regularly inspected during construction.
- Fast track approval of affordable housing developments. Waive, discount, or defer fees for affordable housing, with greater discounts for deeper levels of affordability. Consider exempting affordable units from property taxes.

¹ <https://coloradoclt.org>

- Ensure that city-funded rental and ownership developments built in high opportunity areas exercise affirmative marketing to encourage applications from racial and ethnic minorities living in areas of concentrated poverty.

Impediment No. 3—Lack of understanding of fair housing laws and good tenant practices by residents and fair housing compliance by landlords.

Residents are increasingly reluctant to report fair housing violations for fear of losing their housing and facing retaliation. Fair housing complaints and cases processed by the Metropolitan Fair Housing Council demonstrate a continued need to enhance tenant and landlord fair housing awareness and enforce fair housing laws.

Action steps:

- Continue the commitment to fund the Metropolitan Fair Housing Council to assist residents with fair housing complaints and to conduct fair housing education and training.
- Include fair housing and general housing services on the city’s website, including links to the Metropolitan Fair Housing Council’s webpage and Legal AidOK. A current search for “fair housing” on the city’s homepage returned no fair housing information.
- Ensure that outreach and educational announcements are positioned in newspapers and social media sites that are visited and viewed by vulnerable residents. Continue working with neighborhood groups to raise awareness and transmit fair housing rights information.
- Build public understanding, awareness and support for housing affordability, integration, diversity and inclusion. Recruit a public relations firm to donate or discount time to test messaging to residents and landlords and develop a campaign for execution by the Council and city staff. The city already has an excellent webpage with messaging for some areas (“Snow routes & winter weather tips”) and could easily rotate a fair housing campaign through its resident messaging efforts.

Impediment No 4—Zoning code and land use regulations discourage housing type diversity.

As detailed in Section III of this report, there are many areas in the city’s zoning code that could be improved to facilitate affordability and more housing type diversity.

Action steps:

- Adopt the recommendations from the zoning review in this AI. Briefly, 1) add flexibility to the definition of family; 2) conduct a legal review on potential fair housing challenges associated with treatment of persons with disabilities living in group homes; and, 3) as part of the code update, consider revising densities and development standards to ensure they accommodate a wide range of housing types and products that are typically more affordable and avoid indirect effects of segregating protected classes into certain neighborhoods.

- As part of continued efforts to update the city’s code and add flexibility in residential development consider incorporating the best practices referenced in the zoning review: 1) include a definition of disability consistent with the Federal Fair Housing Act; 2) establish standard processes for reasonable accommodation requests; and 3) allow ADUs and other types of gentle density in some single family districts, potentially in exchange for affordability commitments.

Impediment No. 5—Challenges with affordable and reliable transit access for low income residents and residents with disabilities.

Action steps:

- Assess the results of investments in transit to ensure that they have expanded access in underserved neighborhoods. MAPS 4 should expand transit access to low income households and families and improve the effectiveness of para- and accessible transit.

Impediment No. 6—Limited access to high performing schools for African American and Hispanic students.

Action steps:

- Work with Oklahoma City Public Schools to monitor the results of the P2G transformation on improving access to high performing schools for African American and Hispanic children.
- Continue to invest CDBG public service dollars in afterschool and summer programming and academic activities in low income neighborhoods; increase as resources allow.

SECTION I.

DEMOGRAPHIC PATTERNS

SECTION I.

Demographic Patterns

This section examines demographic patterns that are associated with residential settlement, housing availability and affordability, and access to opportunity. It also provides context for sections that follow—particularly Disproportionate Housing Needs and Access to Opportunity—and informs the identification of Impediments and the Fair Housing Action Plan.

This section follows the framework recommended in the U.S. Department of Housing and Urban Development’s Analysis of Impediments to Fair Housing Choice (AI) guidebook. It also incorporates the most current approach to analyzing the demographic data that are indicative of housing barriers, borrowing in part from the Assessment of Fair Housing (AFH) template.

The core components of this section include:

- An analysis of demographic patterns and trends in Oklahoma City, cities in the broader region, and the peer city of Tulsa;
- An examination of geographic segregation, as well as the racial and ethnic groups that experience the highest levels of segregation, and;
- An identification of racially and ethnically concentrated areas of poverty (R/ECAPs) and the location and predominant protected classes residing in R/ECAPs.

Primary Findings

- African American residents have historically faced the most housing and economic exclusion in the region. This is manifest in the city’s concentrated areas of poverty, which continue to be disproportionately occupied by African American residents. However, recent demographic trends show African Americans moving from traditionally higher poverty areas into more suburban areas with the city.
- Hispanic residents, whose population has increased significantly in recent decades, are increasingly concentrated within the city’s highest poverty areas.
- Oklahoma City has 19 Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs). These are neighborhoods that have a poverty rate of 40 percent and higher, and are more than 50 percent Non-White and Hispanic residents. All of the R/ECAPs in the greater region are located within Oklahoma City’s boundaries.
- Segregation, which has historically been most prominent for African American residents, has decreased modestly since 1990 as measured by the Dissimilarity Index

(DI). Segregation of Asian residents, which has been historically low, has also been declining. In contrast, segregation, as measured by the DI has been increasing for Hispanic residents.

History of Residential Settlement and Segregation

Similar to many cities in the U.S., segregation, income inequality, and differences in access to economic opportunity in Oklahoma City are rooted in historic regulations, policies, and practices. This initial section briefly explores those to set the context for the demographic analysis.

Segregation ordinances and race covenants. Oklahoma City was one of the many Southern and border cities (including Atlanta, Birmingham, Miami, Charleston, Dallas, Louisville, New Orleans, Richmond, and St. Louis) to follow Baltimore City's establishment of segregation ordinances in the early 20th century. In addition to zoning ordinances, racially restrictive covenants were also used to restrict African American homebuyers from buying homes with deed restrictions based on race.

The State of Oklahoma upheld segregation practices even when federal legal standing became dubious: In 1948, the U.S. Supreme Court ruled that the government could not enforce racial clauses in deeds, yet the Oklahoma Supreme Court upheld that White owners could sue seller and buyers for conspiring to diminish property values if a racial covenant was broken.¹

These policies limited residence of African Americans to the neighborhoods of Stoughton, Sandtown, Deep Deuce, and Bricktown. Oklahoma City's African American community thrived in these areas. Bricktown became the site of the city's branch of the National Association for the Advancement of Colored People (NAACP); the home of the *Black Dispatch*—the city's first newspaper written for the city's Black community; and the site of the highly regarded Frederick Douglass High School. The area also had a number of entertainment venues.

The Great Depression, expansion of highways to accommodate automobiles, and urban renewal efforts all disrupted the thriving economy in these neighborhoods. African Americans were displaced to the more suburban east side of the city, which remains an area of African American concentration.

Redlining. The term “redlining” refers to a practice of the Federal Home Owner's Loan Corporation (HOLC), which was established in 1933 to stabilize the housing market. Prior to the HOLC, homeownership was unusual for all but the very wealthy, as lenders required very large downpayments (e.g., 50% of home value), interest only payments with a “balloon” payment at the end of the loan term requiring additional financing, and a loan

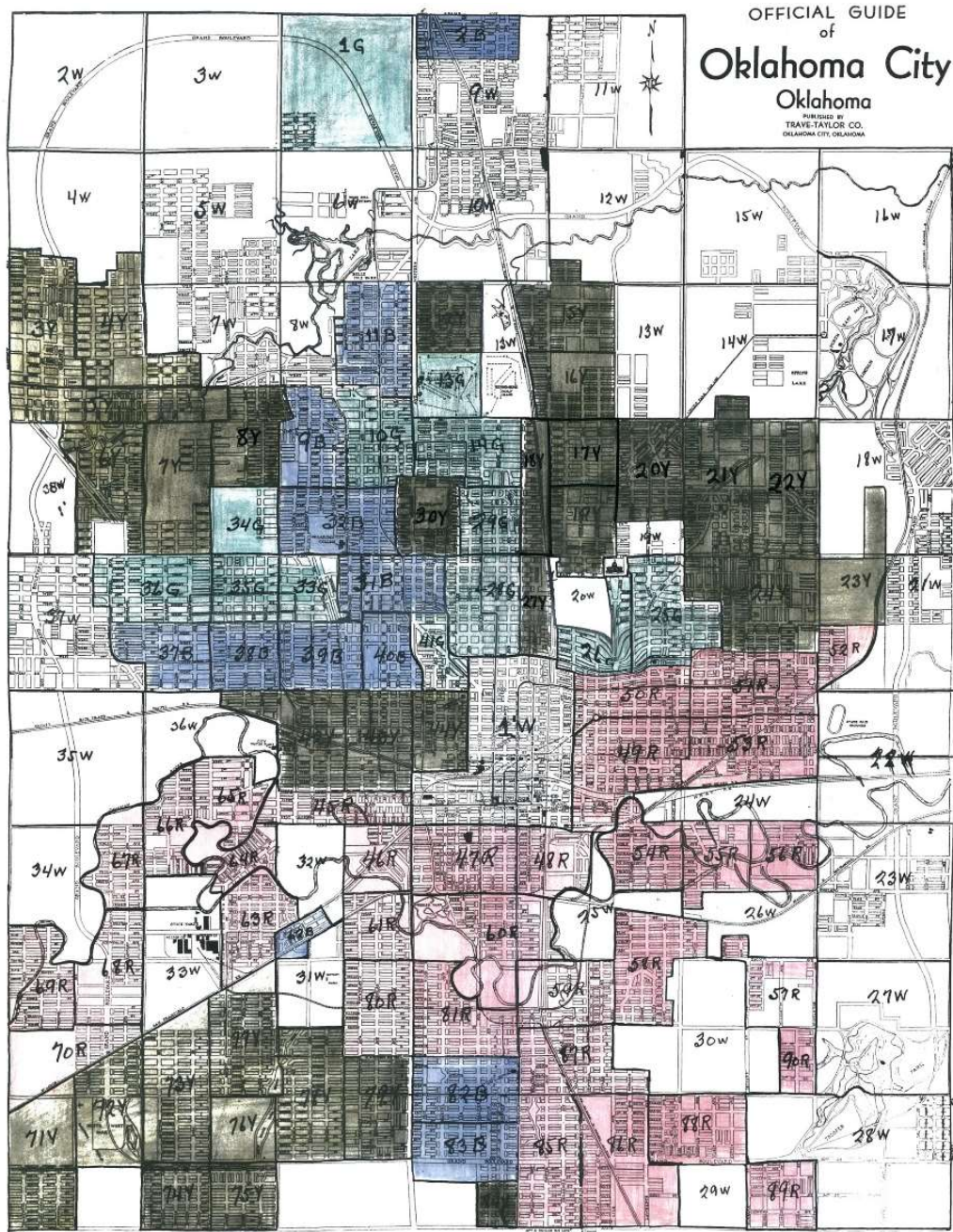
¹ “The Color of Law” Richard Rothstein.

term of just five to seven years. The HOLC offered more reasonable terms, allowing middle and upper middle class households to become owners.

To evaluate loan risk, the HOLC hired local real estate agents to develop maps depicting neighborhood quality, on which loan pricing would be based. Lacking data or historical trends to evaluate risk, these agents employed racial and ethnic prejudice to risk-rate residential blocks and neighborhoods. This not only had the effect of segregating non-White residents into certain areas in cities, it also prevented non-White residents from obtaining ownership by artificially raising the cost of purchasing an inner city home.

An example of redlining in Oklahoma City is shown in the following map, Figure I-1. Teal and dark blue areas were rated lower risk (“best and still desirable”), while dark green and red areas were rated high risk (“declining and hazardous”). It is likely that areas designated hazardous could not receive conventional mortgage loans. The effect of this risk-rating system was to drive capital into higher grade neighborhoods and away from lower grade neighborhoods—and to limit ownership to a select group of residents.

Figure I-1.
Oklahoma City Redlining Map, Date Unknown



Source: Mapping Inequality, University of Richmond's Digital Scholarship Lab, <https://dsl.richmond.edu/panorama/redlining>.

The Federal Housing Administration (FHA), which insures residential mortgages, was formed shortly after the HOLC and continued the federal effort to continue to expand

homeownership for the middle class. This opportunity was effectively only available to White renters, as the FHA underwriting manual instructed against positive risk ratings for neighborhoods with mixed race or social class. The FHA also actively denied lending in urban neighborhoods, favoring lending in suburbs. In effect, the FHA rewarded racial covenants and cut off racial and ethnic minorities from conventional mortgages, denying them America's most successful wealth-building tool: ownership of one's home.

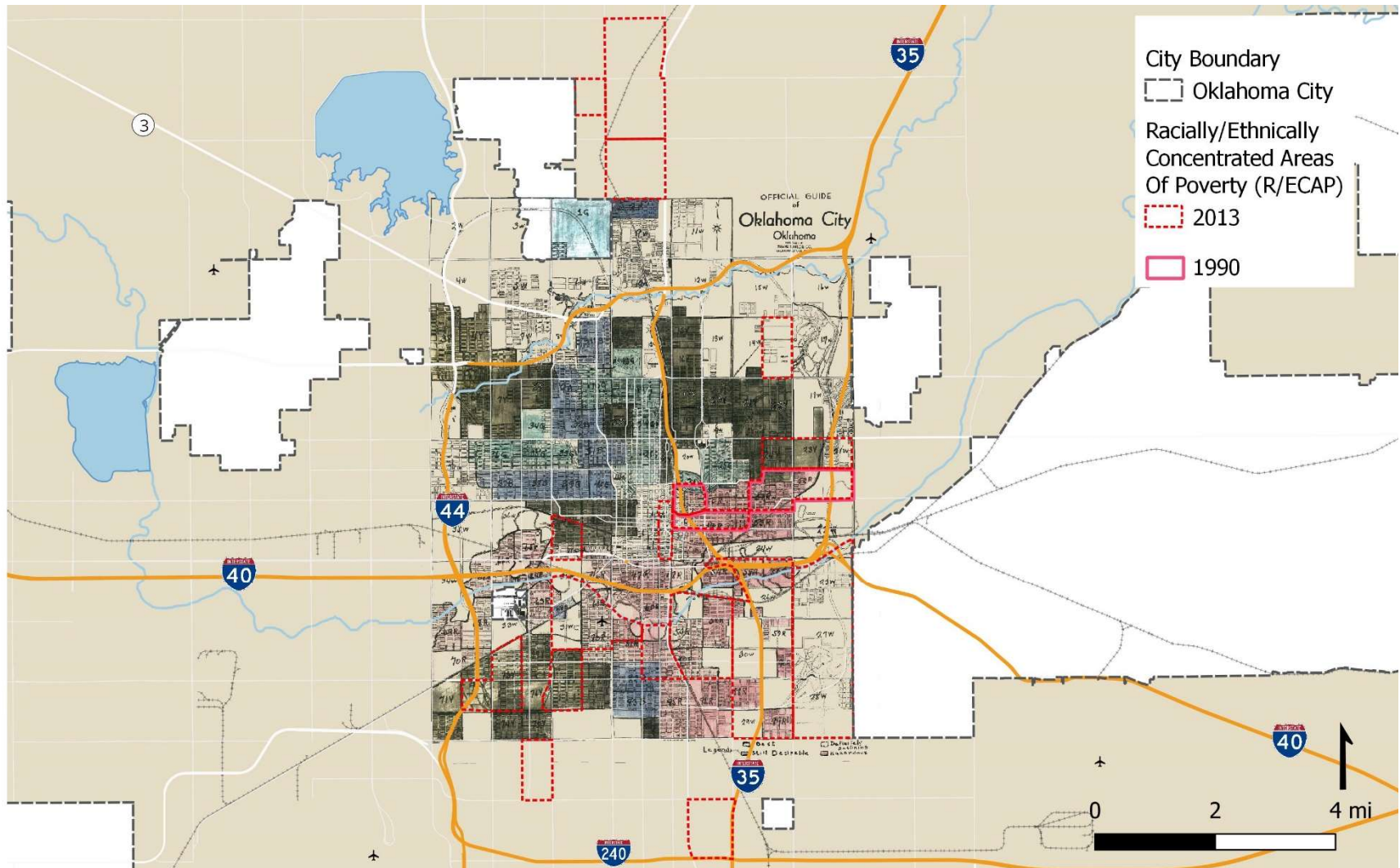
Discrimination in mortgage lending provided an opportunity for predatory lenders to take advantage of would-be minority owners. This took two forms: Predatory lenders convinced White owners to sell at below market prices (often based on threats that minority buyers were moving into the neighborhood) and then offered minority buyers inflated prices with unfavorable lending terms.

Laws prohibiting discrimination in lending were passed in 1974, much later than the prohibition of other discriminatory actions. As such, for decades these restrictions on mortgage lending—mostly for African Americans, immigrants, and women—significantly limited access to economic growth which, in the U.S., is primarily achieved through homeownership.

The map below, Figure I-2, shows the enabling effects of redlining on segregation in Oklahoma City. Areas in a dark red outline are designated "Racially/Ethnically Concentrated Areas of Poverty" or "R/ECAPs" as of 1990—these are neighborhoods with high rates of poverty and more than 50 percent racial and ethnic minorities. In 1990, all R/ECAPs were also areas that had been ranked as "hazardous" by the HOLC. The current R/ECAPs (shown by the dotted red line) include many "hazardous" areas as well as "declining" areas. No R/ECAPs are located in "best" or "still desirable" areas.

In sum, the federal designation of neighborhoods as lower quality perpetuated segregation by intentionally dividing cities across racial and class lines, encouraging White upper and middle income residents to located in "approved" neighborhoods and discouraging private sector investment in "unapproved" neighborhoods. As demonstrated throughout this section, these divisions persist today.

Figure I-2.
Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) and Historic Redlining



Source: HUD AFFH Raw Data, February 2018, and Mapping Inequality, University of Richmond's Digital Scholarship Lab, <https://dsl.richmond.edu/panorama/redlining>.

Demographic Context

The city of Oklahoma City is the capital of Oklahoma and is located in the center of the state. The city is surrounded by several municipalities, including Norman to the south, home to Oklahoma University, the largest institution of higher education in the state. For Norman and other cities in the HUD-defined Oklahoma City region (the CBSA), comparative data are provided in this and other AI sections. Tulsa—the second most populous city in Oklahoma—shares many characteristics of Oklahoma City and is also included as a comparative city. Enid, Lawton, and Shawnee are not included in comparative analyses except where relevant (R/ECAP analysis) due to their distance from Oklahoma City and relatively small size.

Figure I-3.
Oklahoma City and Peer Cities in Analysis



Source: Root Policy Research.

As demonstrated in the figure below, Oklahoma City’s population grew by 43 percent between 1990 and 2018, an increase of 192,565 persons. This growth was much lower than nearby Edmond, but much higher than Tulsa. As of 2018, Oklahoma City contained 16 percent of all residents in the state, up from 14 percent in 1990. Oklahoma City is by far the largest city in the state; the second largest city, Tulsa, trails by more than 200,000 residents.

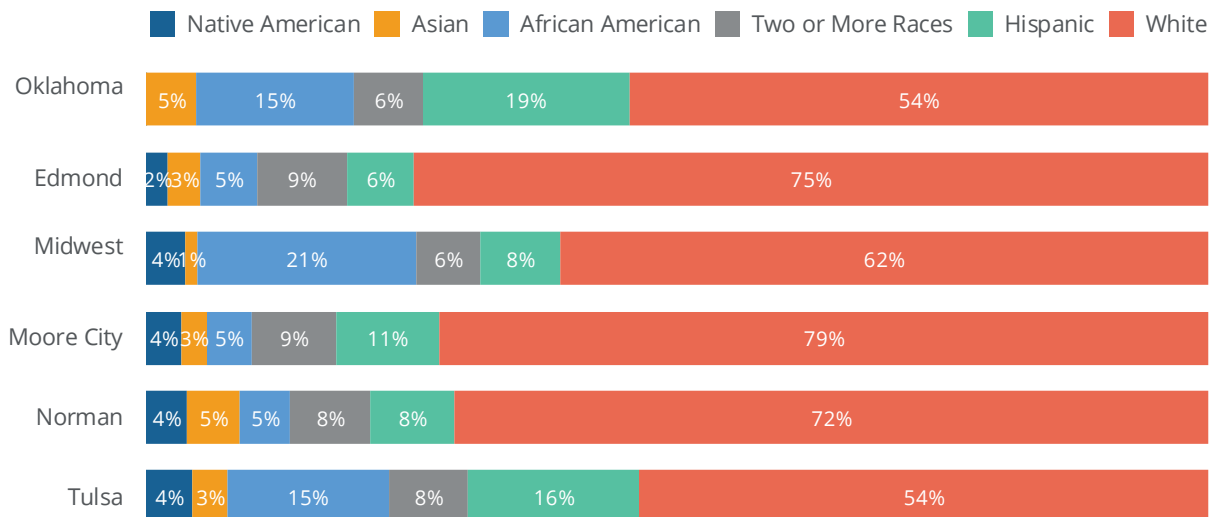
Figure I-4.
Population Change by Jurisdiction, 1990-2018

	1990	2018	Change		Proportion of State	
			Number	Percent	1990	2018
Oklahoma City	444,719	637,284	192,565	43%	14%	16%
Edmond	52,315	91,053	38,738	74%	2%	2%
Midwest City	52,267	57,292	5,025	10%	2%	1%
Moore City	40,318	60,807	20,489	51%	1%	2%
Norman	80,071	121,090	41,019	51%	3%	3%
Tulsa	367,302	402,223	34,921	10%	12%	10%

Source: 2018 ACS 5 year estimates, 1990 Decennial Census

Racial/ethnic distribution differs by jurisdiction, as shown in Figure I-5 below. Oklahoma City and Tulsa are the most diverse racially and ethnically, with 46 percent and 48 percent of their populations, respectively, being Non-White. Only Midwest City has a larger share of African American residents than Oklahoma City.

Figure I-5.
Race and Ethnicity Distribution by Jurisdiction, 2018



Source: 2018 ACS 5 year estimates

Segregation and Integration

The following maps show Oklahoma City's racial and ethnic concentrations geographically, as well as the change in concentrations since 1990, beginning with the distribution of African American residents, and followed by residents of Hispanic descent, Asian residents, Native American residents, and Non-Hispanic White residents.

The spatial analysis reveals, for African Americans:

- African American residents are most likely to live in the east central and northeastern portions of the city and least likely to live west central and northwest.
- With two exceptions, neighborhoods with the highest concentrations of African American residents are not also areas of very high poverty (>40%).
- Between 1990 and 2018, areas around the Medical Center and north of the Capitol experienced significant declines in African American residents.
- Growth in African Americans occurred in the in the far northwest, southwest, and southeast.

Notable is the nearly inverse relationship between African American and White population change. For Non-Hispanic White residents, population growth has occurred in the central part of the city. Declines or stabilization of Non-Hispanic White residents has occurred outside of central Oklahoma City.

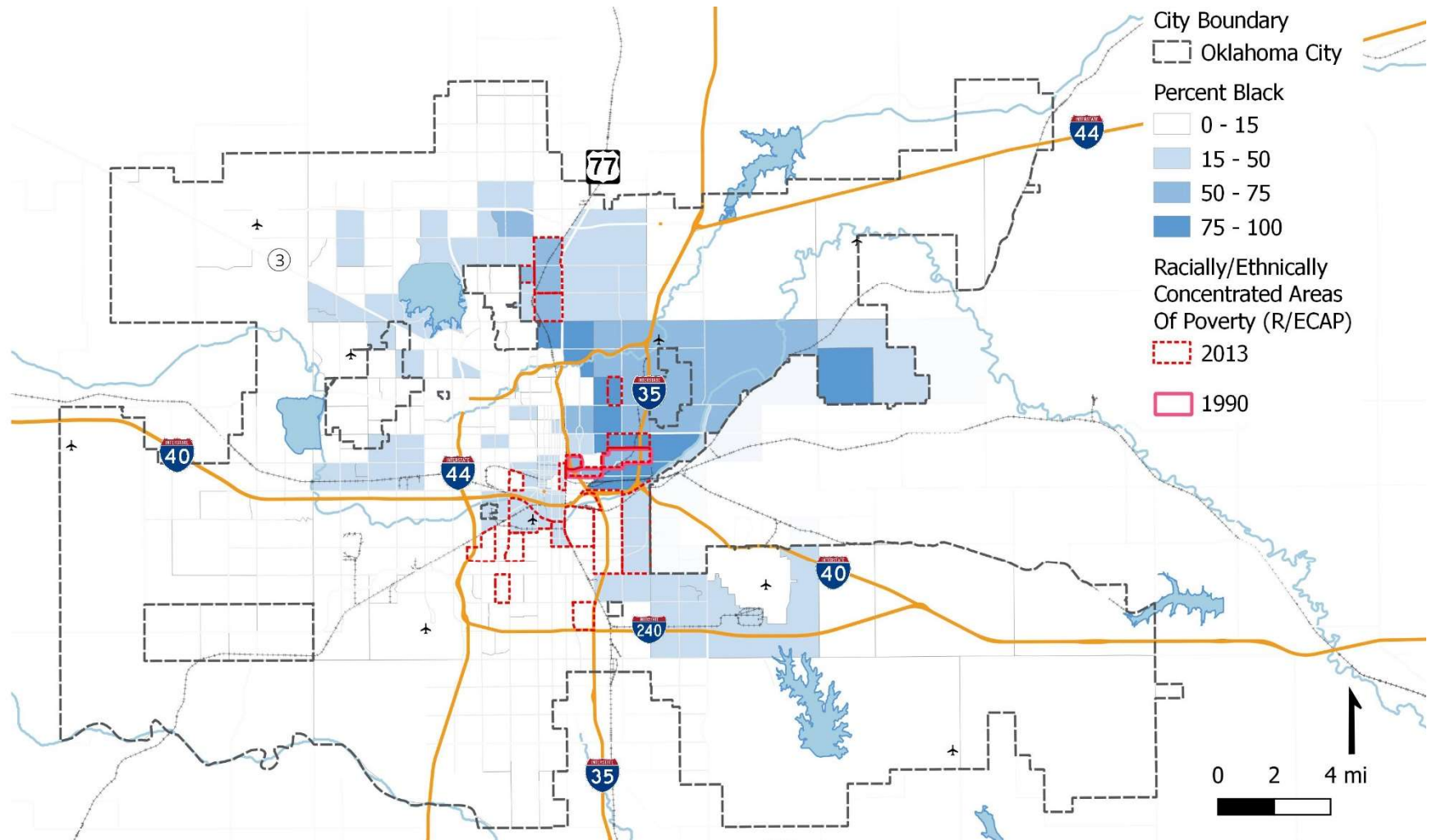
The spatial analysis reveals, for residents of Hispanic descent:

- Residents of Hispanic descent are most likely to live in the southeastern portion of the city.
- Unlike African Americans, for Hispanic residents, the neighborhoods where concentration is the highest are also areas of concentrated poverty.
- High growth areas are almost exclusively south and southeast of downtown, with population declines in outlying areas and near the Medical Center.

Patterns of population change for Asian residents differ than those of other groups, especially Hispanic residents, with growth in the outlying areas and decline or stabilization south of downtown, including-poverty-concentrated areas.

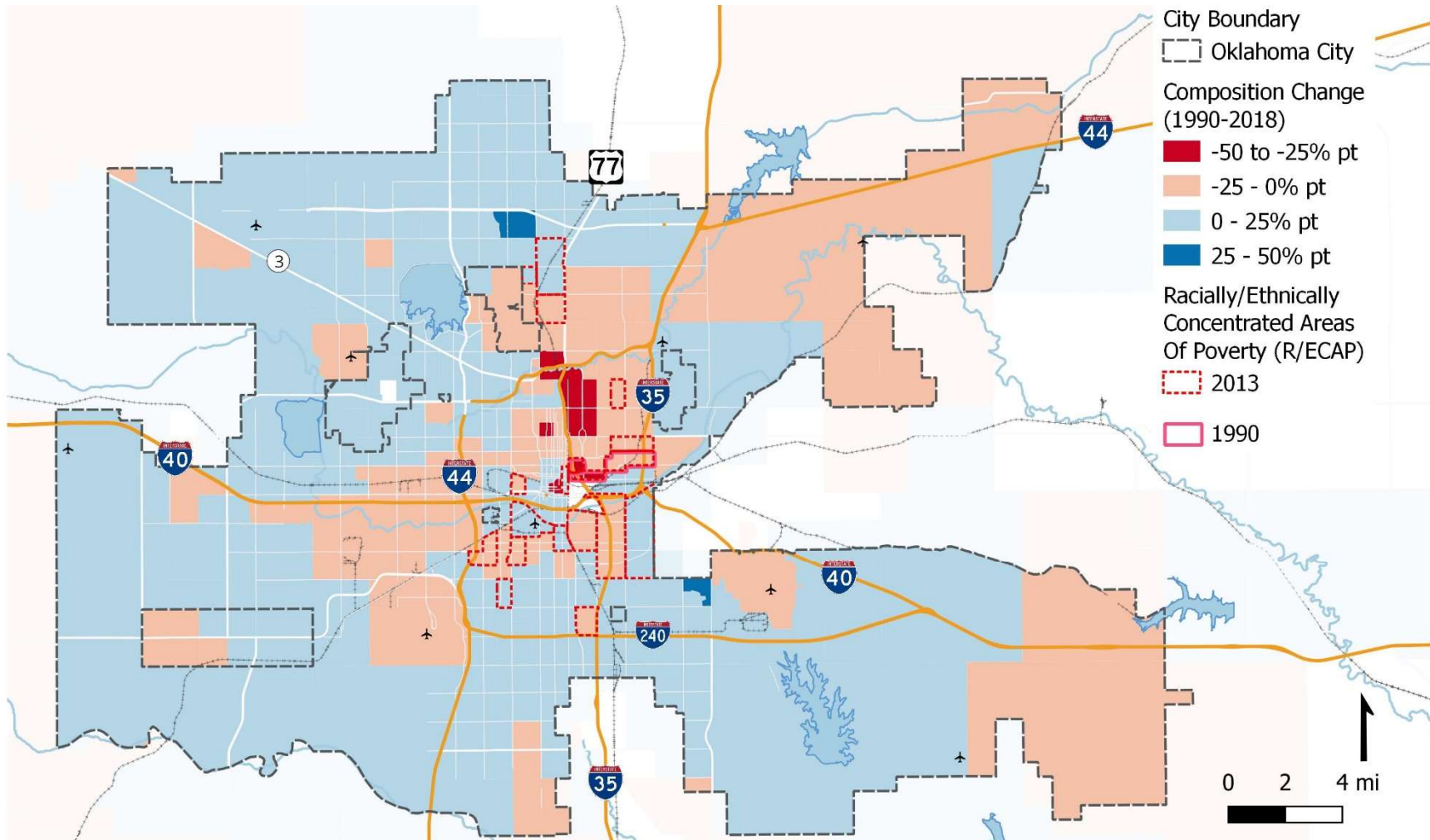
Residential distribution and patterns of change for Native Americans are less distinct. Native Americans live throughout the city with no strong areas of population growth or decline.

Figure I-6.
Percent African American by Census Tract, 2018



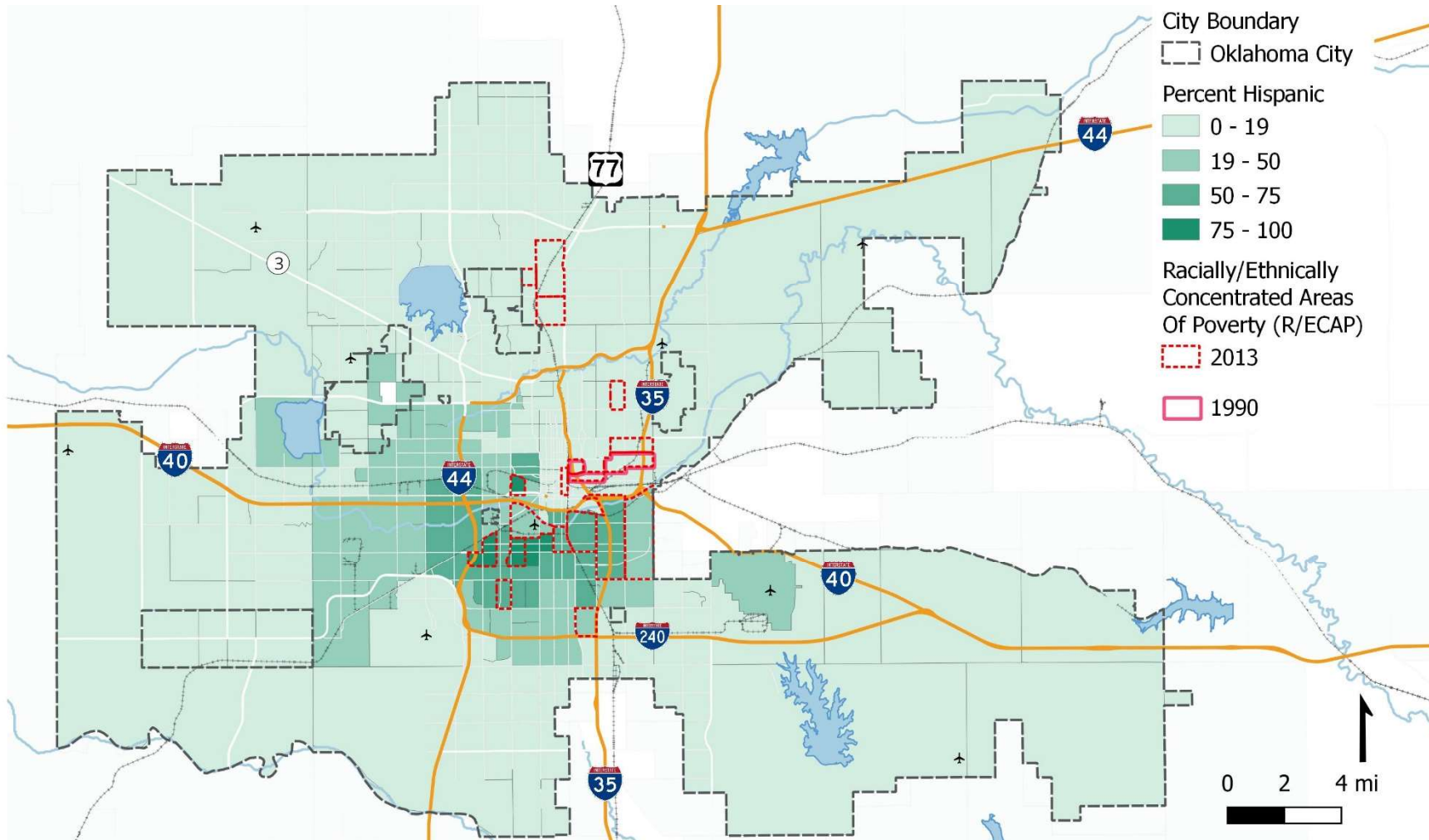
Source: 2018 ACS 5 year estimates

Figure I-7.
Percentage Point Change in Percent African American by Census Tract, 1990-2018



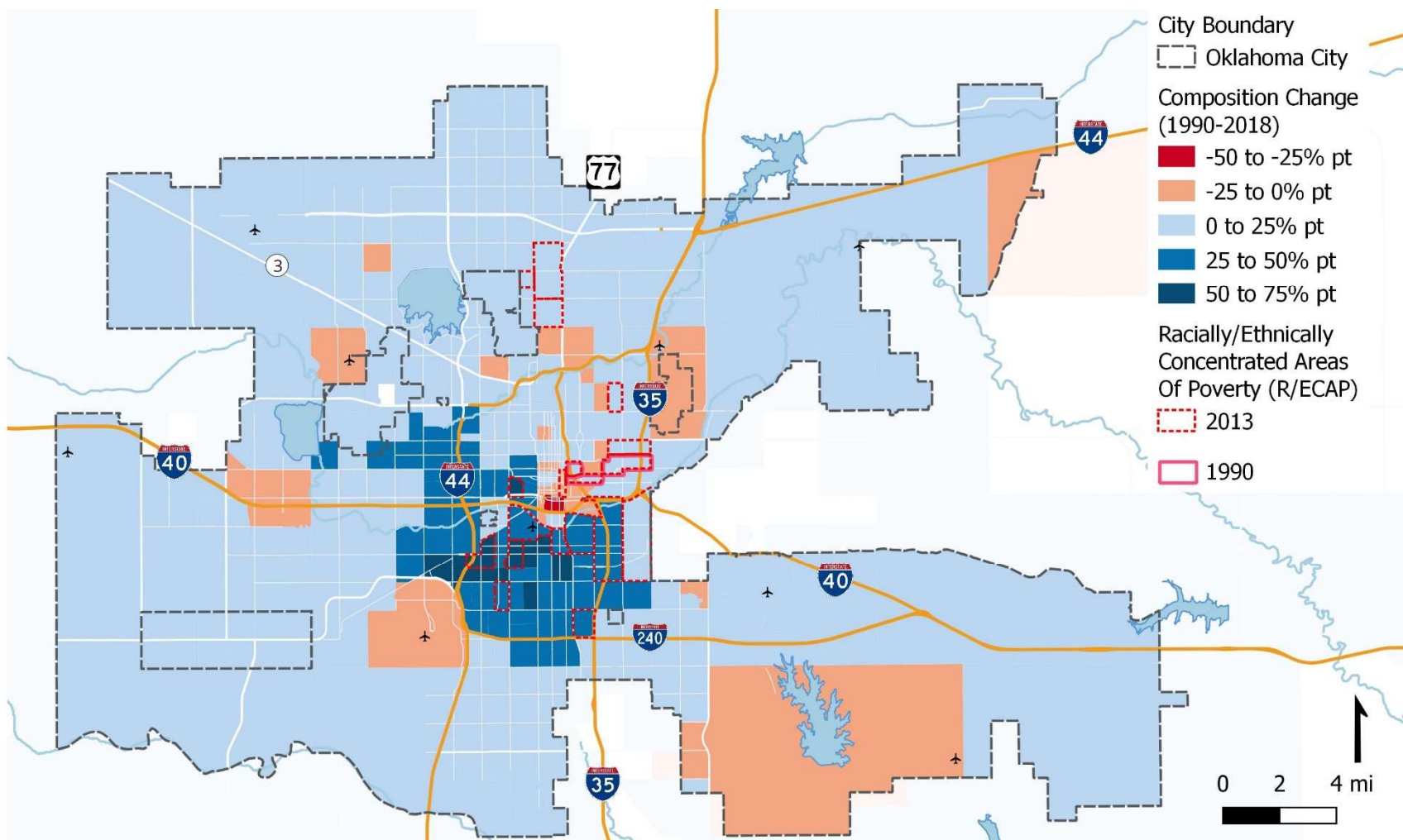
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-8.
Percent Hispanic by Census Tract, 2018



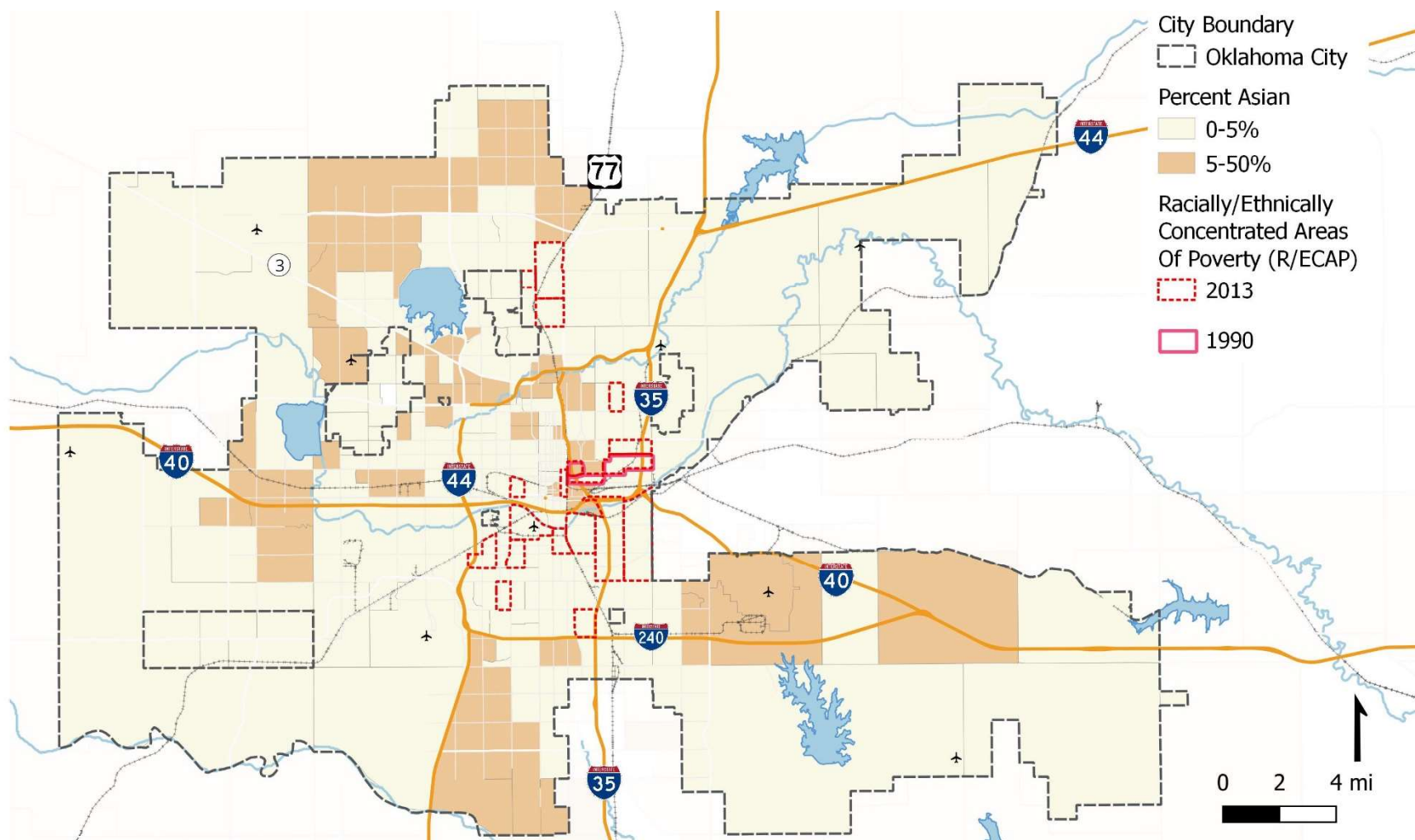
Source: 2018 5 year estimates, HUD AFFH Raw Data, February 2018

Figure I-9.
Percentage Point Change in Percent Hispanic by Census Tract, 1990-2018



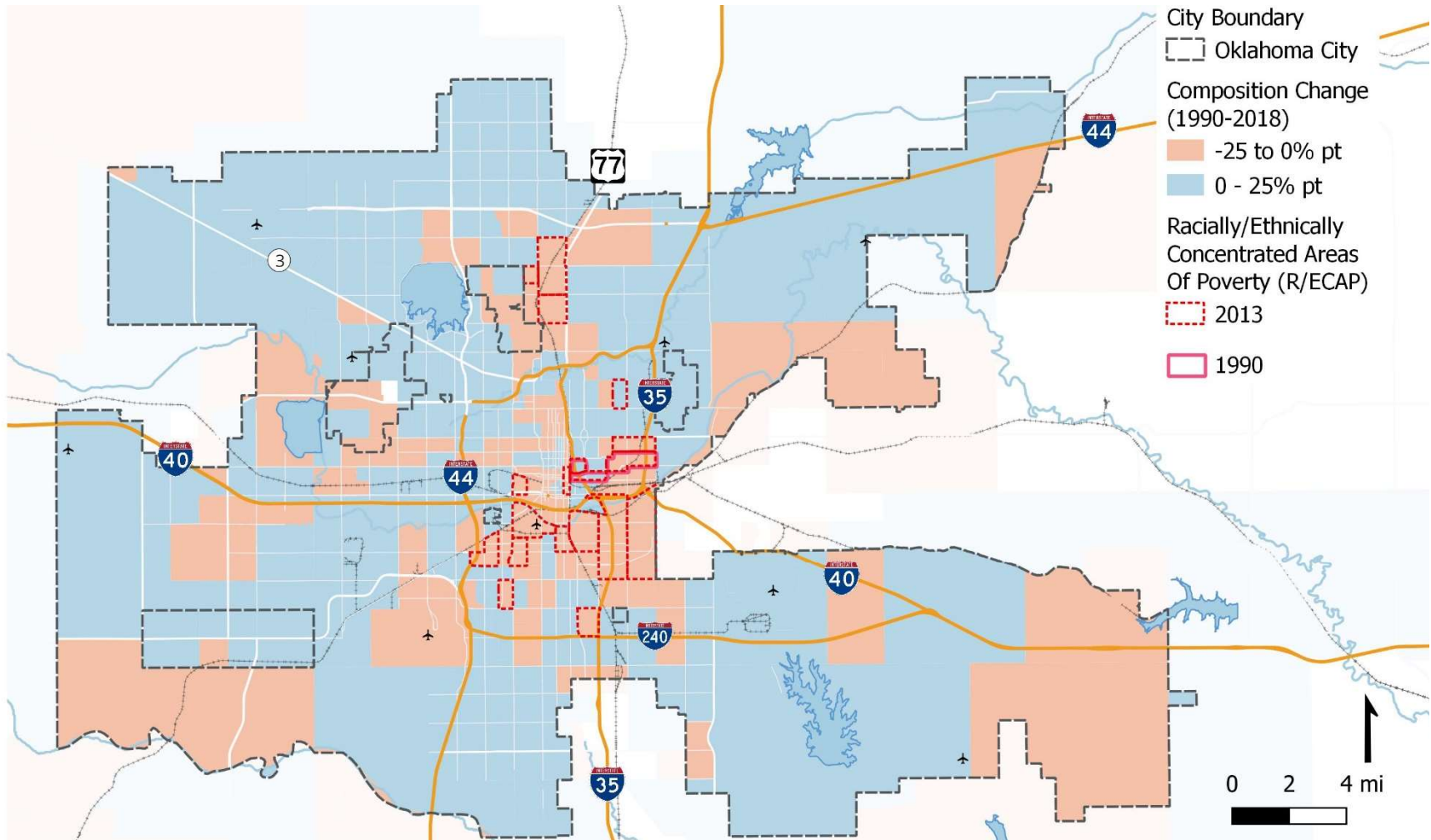
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-10.
Percent Asian by Census Tract, 2018



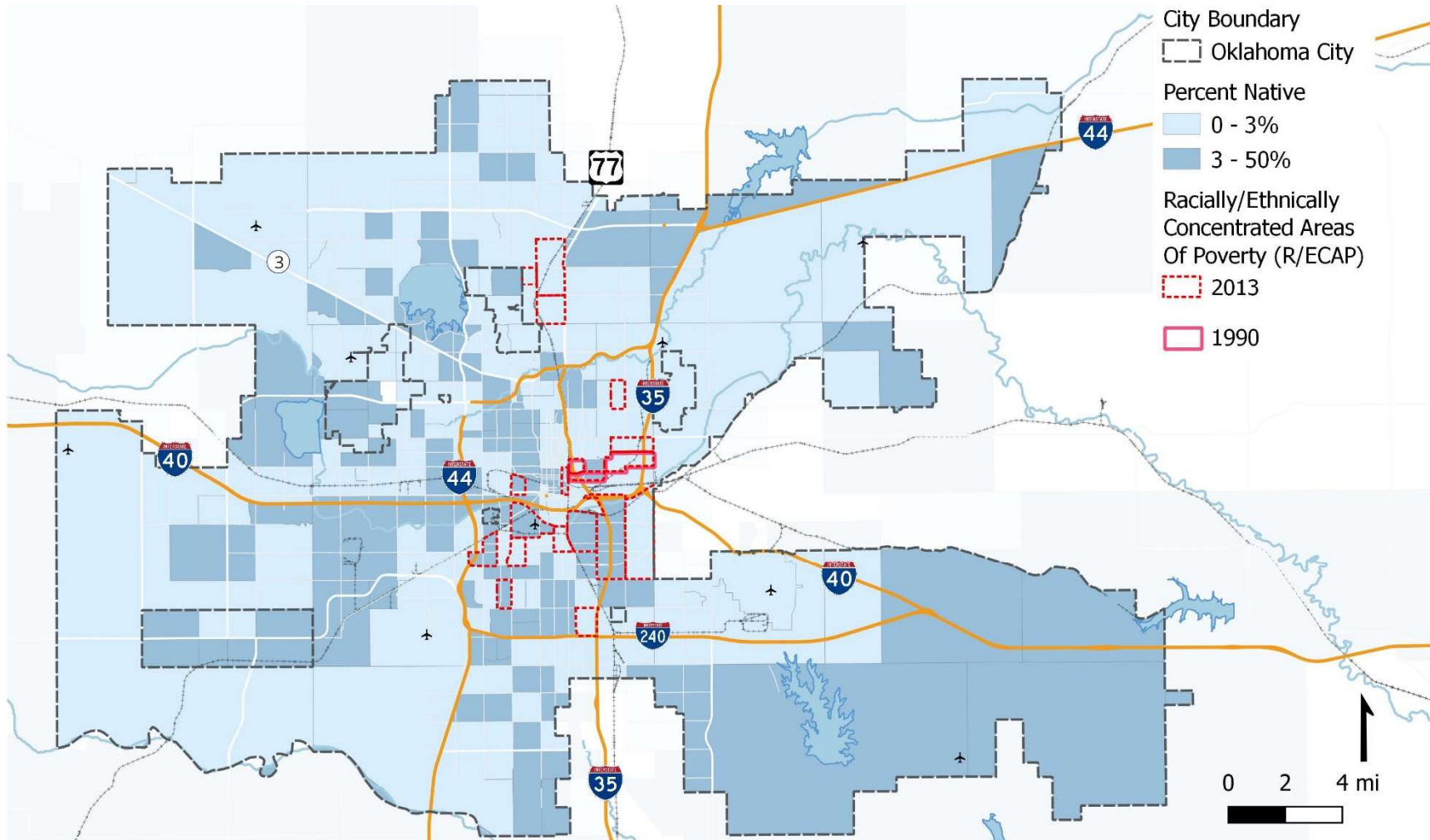
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-11.
Percentage Point Change in Percent Asian by Census Tract, 1990-2018



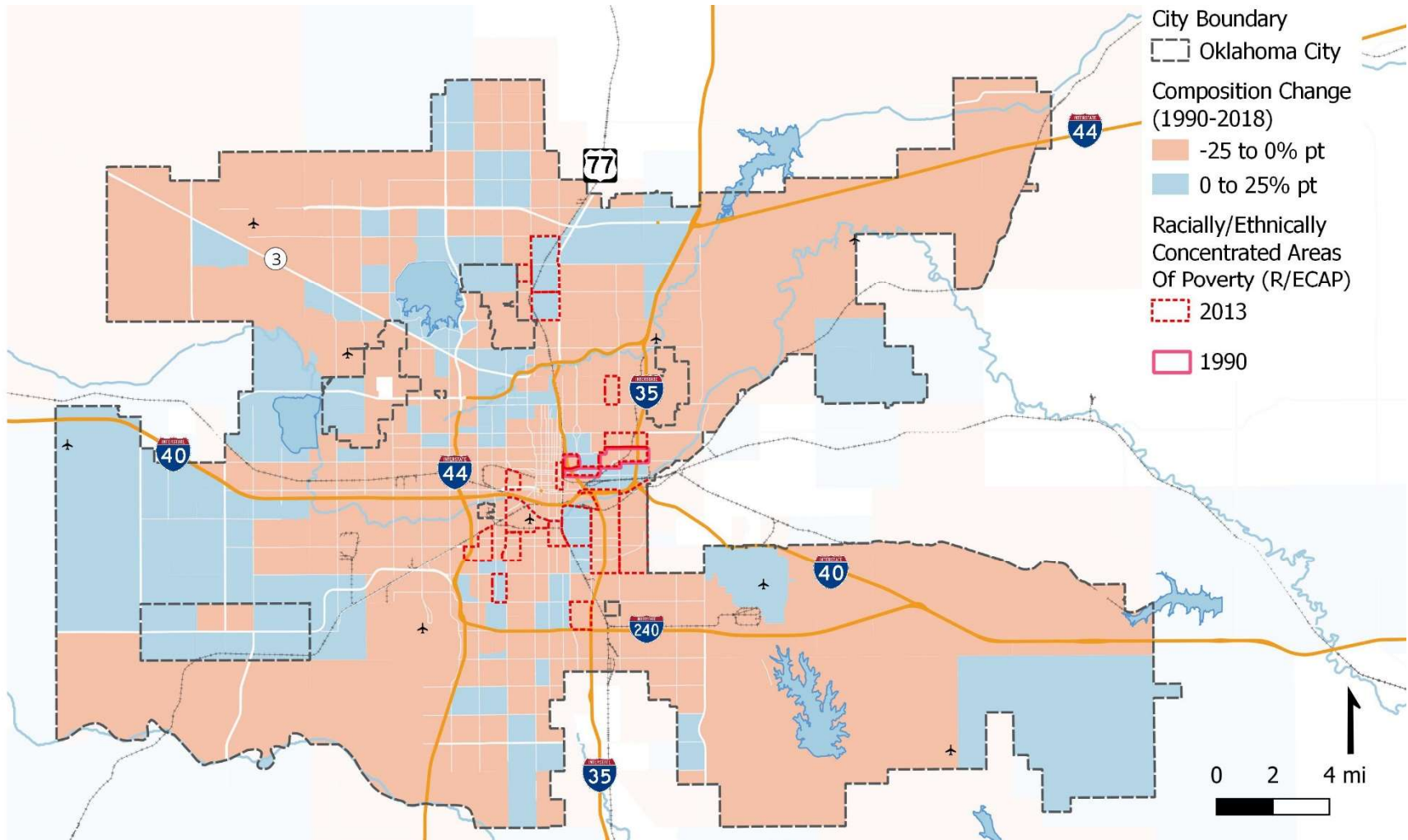
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-12.
Percent Native American by Census Tract, 2018



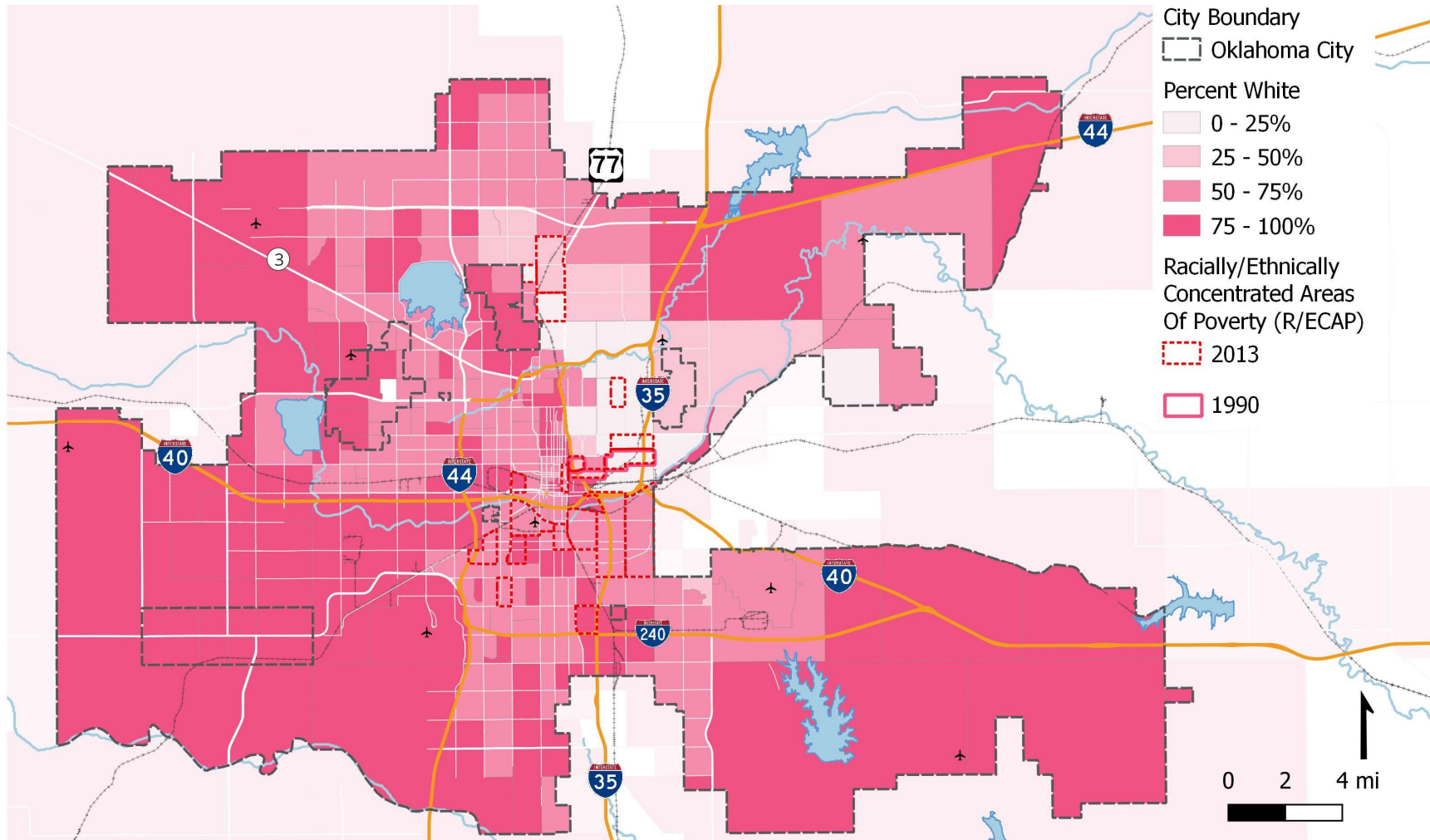
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-13.
Percentage Point Change in Percent Native American by Census Tract, 1990-2018



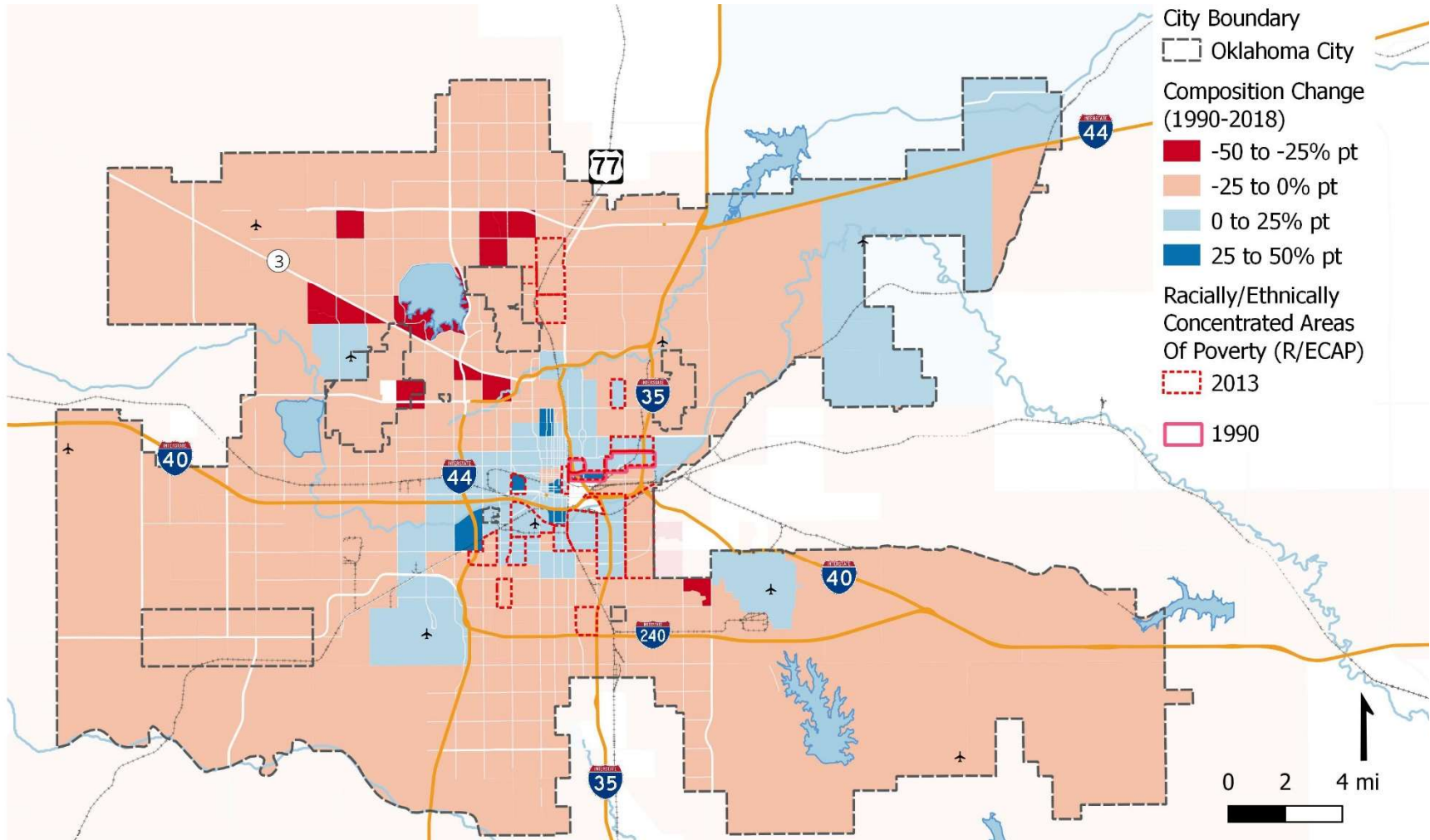
Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018

Figure I-14.
Percent White by Census Tract, 2018



Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Figure I-15.
Percentage Point Change in Percent White by Census Tract, 1990-2018



Source: 2018 ACS 5 year estimates, HUD AFFH Raw Data, February 2018.

Severity of segregation. A common measure of segregation used in fair housing studies is the dissimilarity index (DI). The DI measures the degree to which two distinct groups are evenly distributed across a geographic area, usually a metropolitan area or county. DI values range from 0 to 100—where 0 is perfect integration and 100 is complete segregation. The DI represents a “score” where values between 0 and 39 indicate low segregation, values between 40 and 54 indicate moderate segregation, and values between 55 and 100 indicate high levels of segregation.

Like all indices, the DI has some weaknesses: First, the DI provided by HUD uses Non-Hispanic White residents as the primary comparison group. That is, all DI values compare racial and ethnic groups against the distribution of Non-Hispanic White residents.

Another limitation of the DI is that it can conceal practices that lead to racial and ethnic exclusion. Communities without much diversity typically have very low dissimilarity indices, while counties with the most diversity will show high levels of dissimilarity. Thus, a “low” dissimilarity index for a jurisdiction is not always a positive if it indicates that racial and ethnic minorities face barriers to entry in a community. These limitations are not significant for this study but are noted in the event that the city’s DI is used to evaluate segregation against peer cities.

Figure I-16 shows trends in DI for Oklahoma City. For Non-White residents overall, the DI has declined since 1990 and is now “low.” This is largely a factor of decline in the DI for Black/African American residents, which was “high” in 1990 and is now moderate, yet increasing. Hispanic/White segregation has been increasing, and is approaching a high segregation level. Asian segregation has also increased since 2010 after being stable.

Figure I-16.
Regional Dissimilarity Index Trends, 1990 - 2018

	Oklahoma City				Interpreting the Index:
	1990	2000	2010	2018	
Non-White/	42	37	36	36	(0-39) Low Segregation
Black/White	61	54	47	50	(40-54) Moderate Segregation
Hispanic/White	38	48	52	51	(55-100) High Segregation
Asian/White	35	30	28	43	

Note: 2018 Dissimilarity Index calculated by Root Policy research using methods that vary slightly from previous HUD calculations. Partial Census tracts are not weighted.

Source: HUD AFFH Raw Data, February 2018.

Figure I-17 graphically represents these trends.

Figure I-17.
Oklahoma City
Dissimilarity Index
Trends, 1990 - 2018

Note: 2018 Dissimilarity Index calculated by Root Policy research using methods that vary slightly from previous HUD calculations.
 Source:
 HUD AFFH Raw Data, February 2018, 2018 ACS 5 year estimates

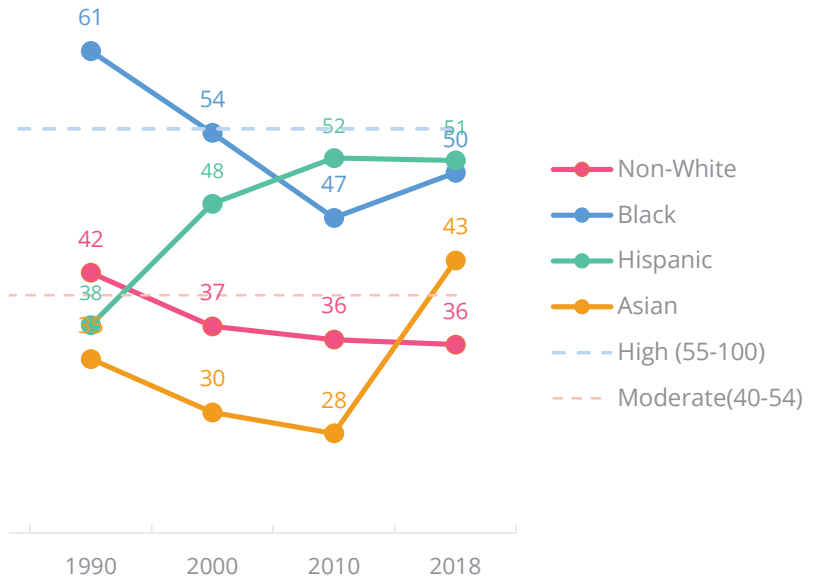
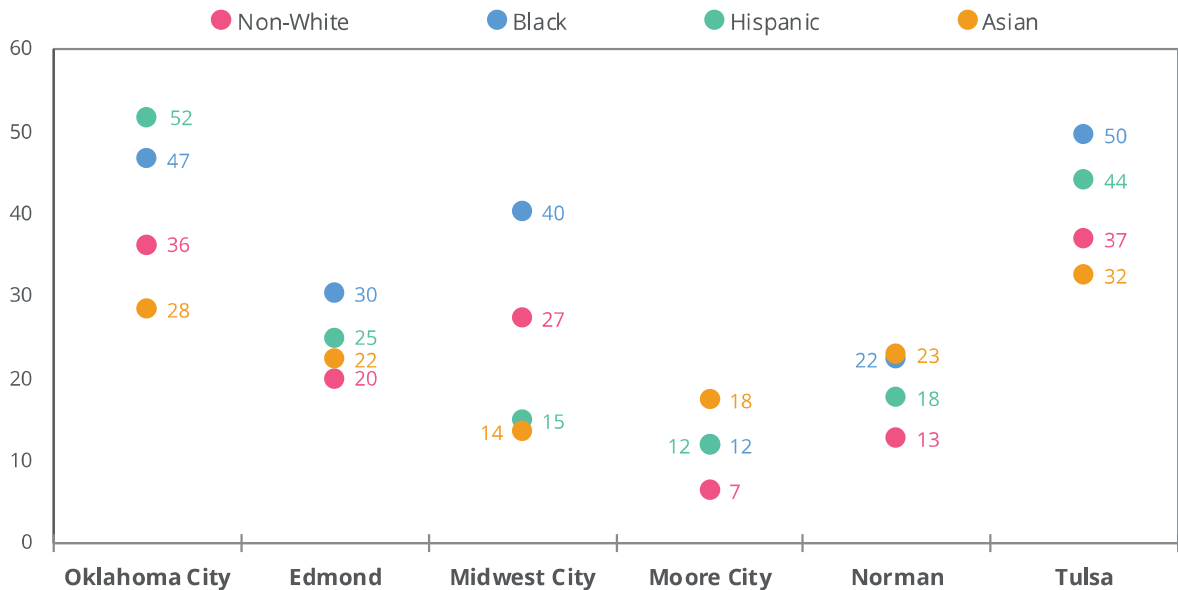


Figure I-18 compares the DI to other cities in the region, and to Tulsa. Compared to Tulsa, Oklahoma City's Hispanic residents are more segregated, and Black/African Americans are similarly segregated, as measured by the DI. Segregation is lowest in Moore City and Norman and moderately low in Edmond.

Figure I-18.
Dissimilarity Index by Jurisdiction, 2010



Source: HUD AFFH Raw Data, 2010.

Economic Segregation

A critical aspect of expanding economic opportunity is addressing economic segregation. A growing body of research has consistently found that reducing economic segregation, especially for young children, has long-term, positive outcomes for families, and decreases the public sector costs of addressing the consequences of poverty.

Overall, the poverty rate of Oklahoma city is 17 percent. Figure I-19 compares the overall, youth, and older adult poverty rates of Oklahoma City to peer cities and Tulsa. Oklahoma City's poverty rate for children is relatively high.

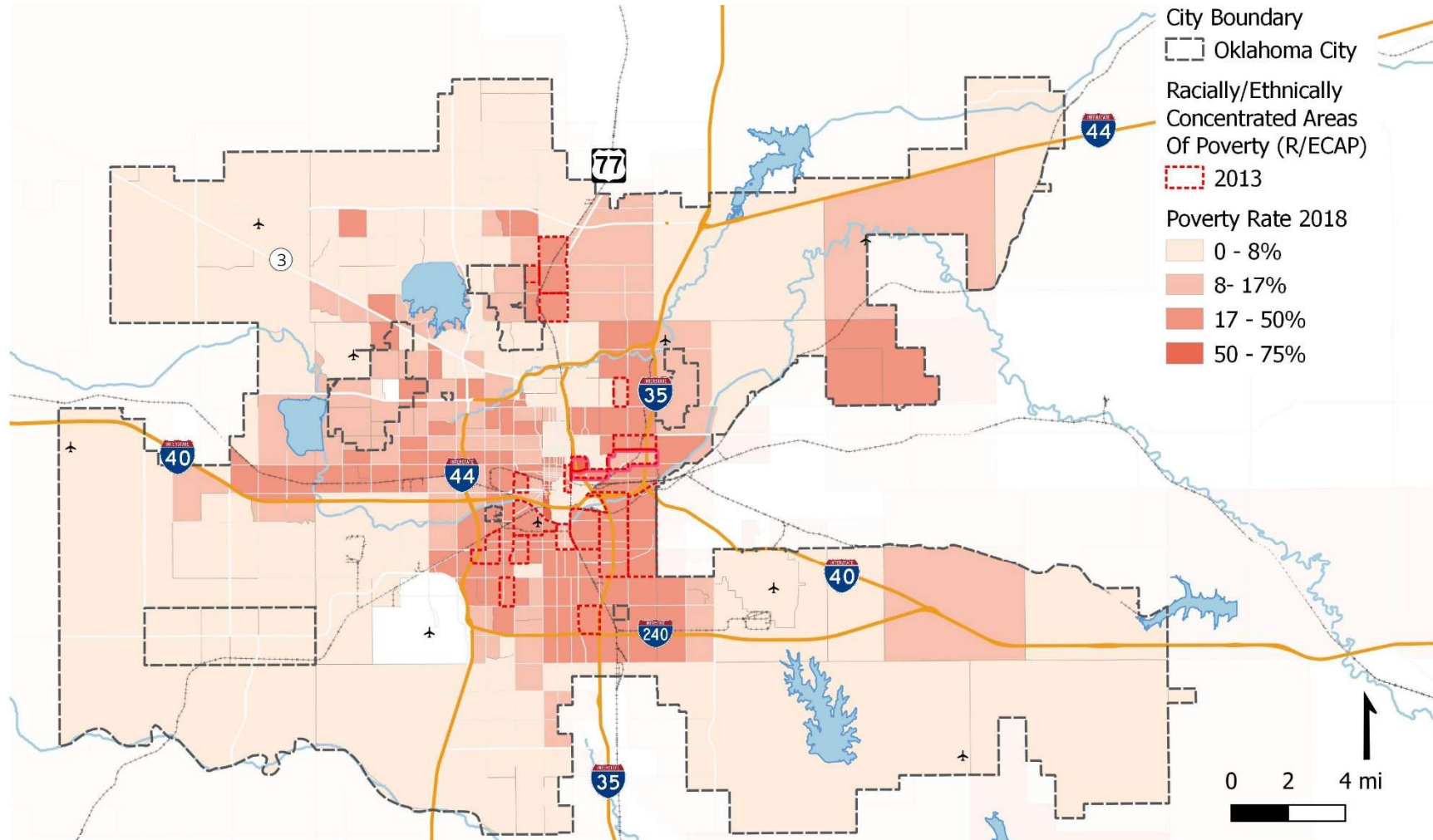
Figure I-19.
Poverty Rates, 2018

Source:
2018 ACS 5 year estimates.

	Total	0 to 18 yrs	65 yrs and Older
Oklahoma City	17%	25%	15%
Edmond	11%	13%	6%
Midwest City	15%	23%	13%
Moore City	9%	11%	16%
Norman	18%	17%	10%
Tulsa	20%	30%	15%

The map in Figure I-20 reveals that poverty is concentrated in census tracts in a crescent around the central business district below Interstate 40 and East of Interstate 235 as well as in the neighborhoods in and surrounding the industrial areas that flank Interstate 35 to Interstate 240 and north of Interstate 40 west of downtown. Other areas of concentrated poverty are more scattered throughout the northwest quadrant of the city. There is also a concentration in the areas to the west of Highway 77 in the north of the city and to the east in more rural areas near Spencer, north of Midwest City.

Figure I-20.
Poverty by Census Tract, 2018



Source: 2018 ACS 5 year estimates

Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

HUD has developed a framework to examine economic opportunity at the neighborhood level, with a focus on racial and ethnic minorities. That focus is related to the history racial and ethnic segregation, which, as discussed in the beginning of this section, often limited economic opportunity.

“Racially or ethnically concentrated areas of poverty,” also known as R/ECAPs, are neighborhoods in which there are both racial concentrations and high poverty rates.

HUD’s definition of an R/ECAP is:

- A census tract that has a non-white population of 50 percent or more (majority-minority) or, for non-urban areas, 20 percent, and a poverty rate of 40 percent or more; of
- A census tract that has a non-white population of 50 percent or more (majority-minority) and the poverty rate is three times the average tract poverty rate for the county, whichever is lower.

Why R/ECAPs matter. The 40 percent poverty threshold used in the R/ECAP definition is based on research identifying this to be the point at which an area becomes socially and economically dysfunctional. Conversely, research has shown that areas with up to 14 percent of poverty have no noticeable effect on community opportunity.²

Households within R/ECAP tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. By definition, a significant number of R/ECAP households are financially burdened, which severely limits housing choice and mobility. The added possibility of racial or ethnic discrimination creates a situation where R/ECAP households are likely more susceptible to discriminatory practices in the housing market. Additionally, due to financial constraints and/or lack of knowledge (e.g., limited non-English information and materials), R/ECAP households encountering discrimination may believe they have little or no recourse, further exacerbating the situation.

It is very important to note that many R/ECAPs, while not economically wealthy, are rich in culture, diversity, and community. R/ECAPs are not meant to cast broad judgments on an area, but rather to identify areas where residents may have historically faced discrimination and continue to be challenged by limited economic opportunity.

² The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

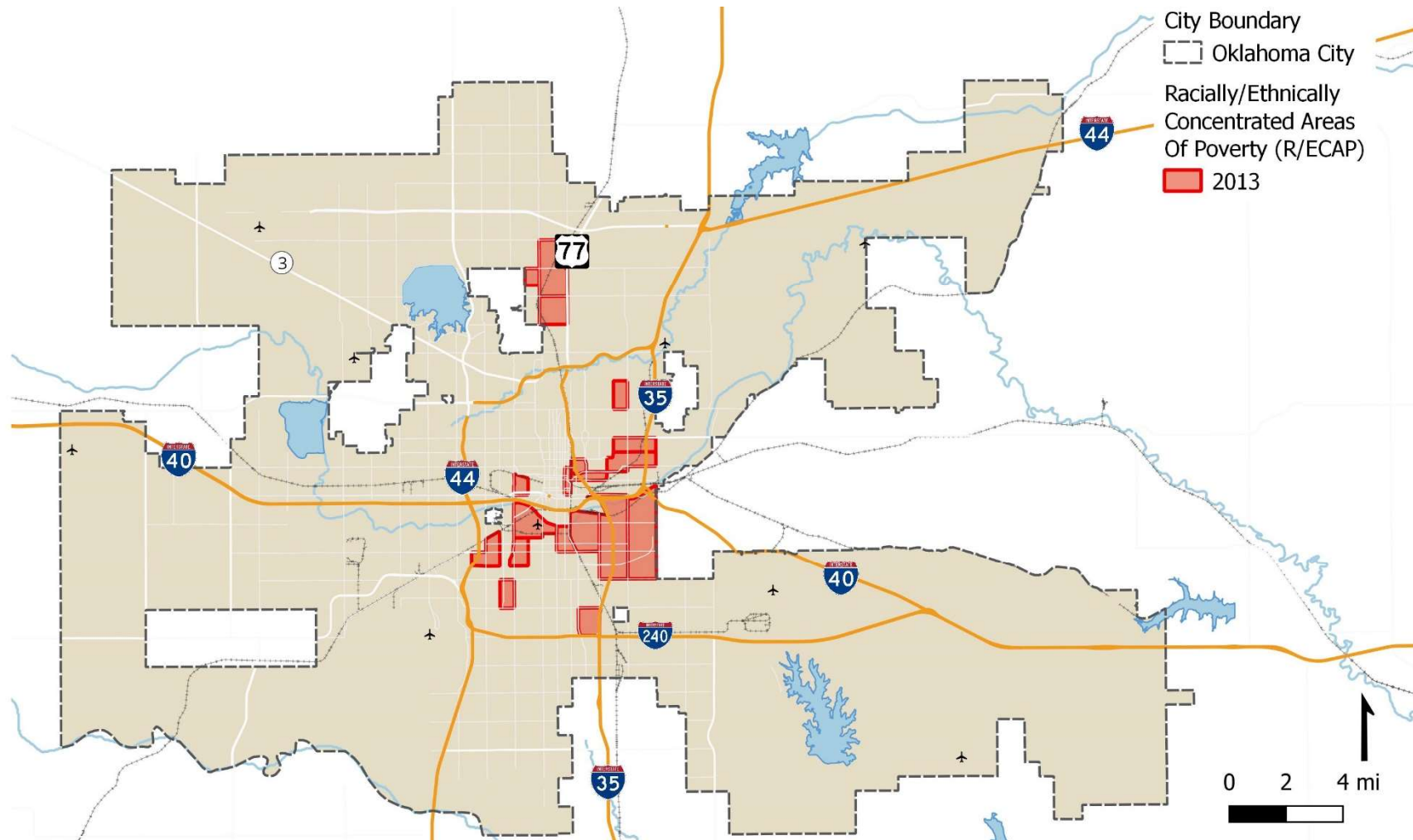
R/ECAP trends. According to HUD's current R/ECAP designations, there are 19 R/ECAP designated census tracts in Oklahoma City. All of the R/ECAP areas in the broader region are within city boundaries.

The map in Figure I-21 reveals that many of the R/ECAP tracts are clustered around the downtown area, directly to the south and northeast. There is also a cluster of tracts to the further from the CBD, north along Highway 77.

The number of R/ECAPs has increased significantly since 1990 when the total number of designated tracts was only three. The number of R/ECAP census tracts grew to five in 2000, 14 in 2010, and currently total 19. Figure I-21 shows the location of the R/ECAP designated tracts over this time period. The maps reveal that while racially and ethnically concentrated poverty was initially confined to a contiguous set of neighborhoods in and around the CBD, R/ECAPs developed in several new clustered and have expanded in those areas since.

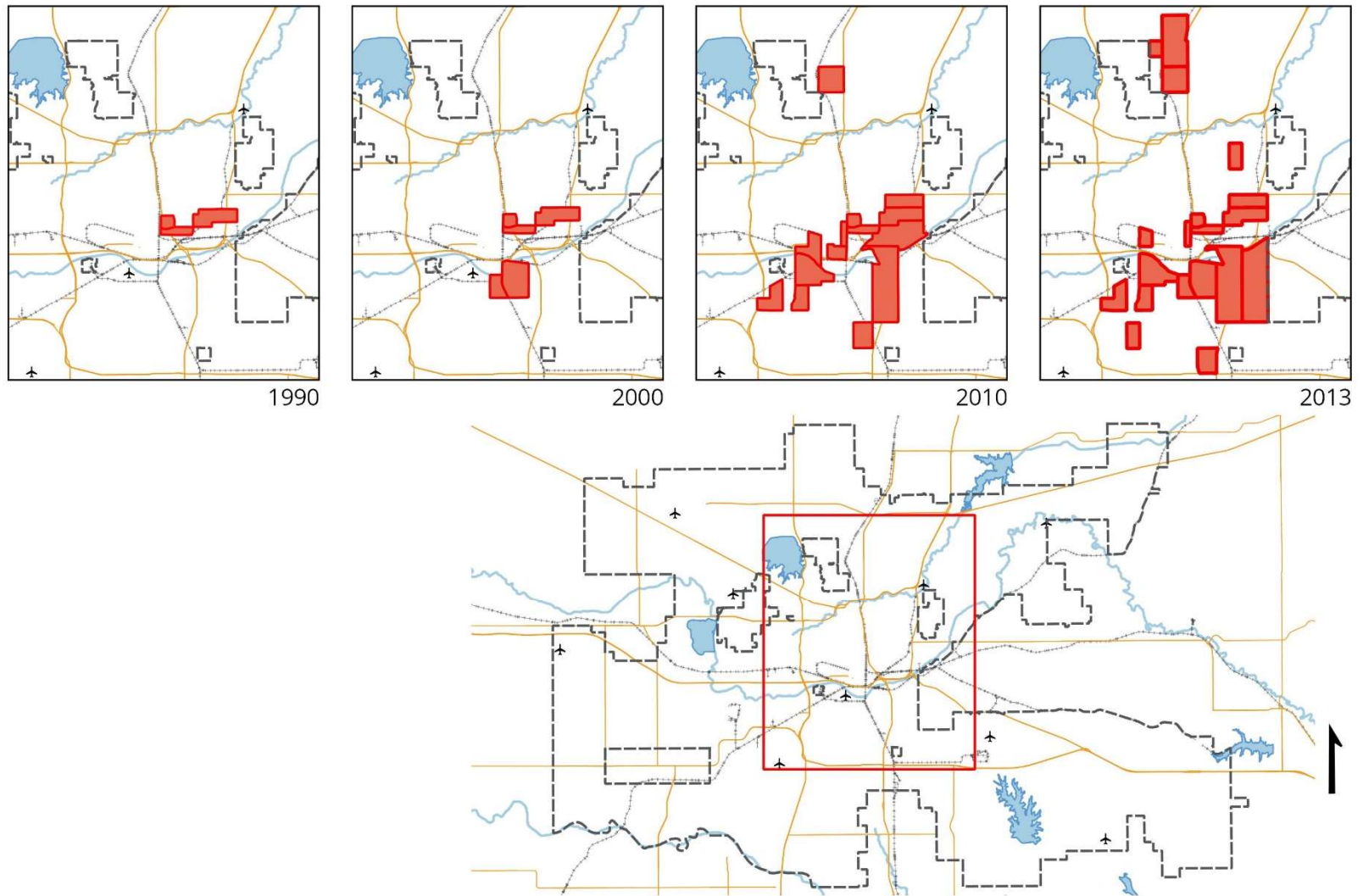
Comparing these geographic trends to the racial concentration trends, the 1990s R/ECAP tracts near downtown had higher concentrations of African American residents at the time but, since then, African American resident concentrations have declined as they have migrated into more suburban areas in the city. In several cases, these declines have exceeded 50 percent. Tracts that became R/ECAP designated tracts after 1990 have had relatively consistent racial and ethnic concentrations. The rise of R/ECAP designated tracts south of Interstate 40 coincide with the growth in the concentration of Hispanic residents since 1990.

Figure I-21.
Racially and Ethnically Concentrated Areas of Poverty, 2013



Source: HUD AFFH Raw Data, February 2018.

Figure I-22.
Racially and Ethnically Concentrated Areas of Poverty, 1990, 2000, 2010, and 2013



Source: HUD AFFH Raw Data, February 2018.

Characteristics of R/ECAPs. More than 40,000 residents of Oklahoma City live in R/ECAP areas. There are nearly 10,000 families living in R/ECAP designated areas and over half of those families are families with children. Overall, the Hispanic residents represent the highest proportion of residents in R/ECAP designated tracts (36%) while African American residents are similarly high (33%). Compared to their racial and ethnic representation in the city overall (15% and 19%, respectively), both African American and Hispanic residents are disproportionately represented in R/ECAPs.

White residents are less represented in R/ECAP designated tracts only constituting under one quarter of the total residents (23%).

Figure I-23 compares the overall R/ECAP demographics of Oklahoma City with the two other cities with R/ECAP designated tracts, Lawton and Tulsa. Compared to these cities, Oklahoma City has both a significantly larger population living in R/ECAPs but also a significantly higher proportion of Hispanic residents living in those areas with (35% compared to 10%). In contrast, Oklahoma City has a much lower representation of African American residents in R/ECAPs than both Lawton and Tulsa.

Figure I-23.
R/ECAP Demographics, Oklahoma City, Lawton, and Tulsa, 2010

	Oklahoma City		Lawton		Tulsa	
	Number	Percent	Number	Percent	Number	Percent
R/ECAP Race/Ethnicity						
Total Population in R/ECAPs	43,281	-	2,050	-	23,110	-
White, Non-Hispanic	10,040	23%	520	25%	5,030	22%
Black, Non-Hispanic	14,369	33%	991	48%	13,404	58%
Hispanic	15,377	36%	213	10%	2,277	10%
Asian or Pacific Islander	280	1%	44	2%	168	1%
Native American	1,424	3%	155	8%	854	4%
Other	33	0%	3	0%	25	0%
R/ECAP Family Type						
Families in R/ECAPs	9,794		472		5,340	
Families with Children	5,379	55%	248	53%	2,742	51%

Note: Lawton is included here because, in addition to Tulsa, it has R/ECAPs. No other entitlement cities in the state have R/ECAPs.

Source: HUD AFFH Raw Data, February 2018

Dissimilarity Index Reference Guide

What is the Dissimilarity Index?

A very common measure of segregation used in fair housing studies is the dissimilarity index (DI). The DI measures the degree to which two distinct groups are evenly distributed across a geographic area, usually a county. The DI uses a mathematical formula that compares the percentage of Non-Hispanic, White residents living in a Census tract to the percentage of minority residents living in that same Census tract to the overall city proportion of each.

What do the DI numbers mean?

DI values range from 0 to 1—where 0 is perfect integration and 1 (or 100, if decimals are not used) is complete segregation. The DI represents a “score” where values between 0 and .39 indicate low segregation, values between .40 and .54 indicate moderate segregation, and values between .55 and 1 indicate high levels of segregation.

Can the DI apply to neighborhoods?

The DI is not usually calculated at the neighborhood level; it is meant to be aggregated at the city or county level. At the neighborhood level the DI would examine racial and ethnic dispersion among city blocks, and a low-segregation score would mean even distribution of households along blocks, which is unusual in the United States.

Are there problems with the DI?

It is important to note that the DI generally uses White, non-Hispanic residents as the primary comparison group. That is, all DI values compare racial and ethnic groups against the distribution of white, non-Hispanic residents. This is a logical approach for the Regional AI because White, non-Hispanic residents are the largest racial and ethnic group in the region.

Another limitation of the DI is that it can conceal practices that lead to racial and ethnic exclusion. Counties without much diversity typically have very low dissimilarity indices, while counties with the most diversity will show high levels of dissimilarity.

SECTION II.

DISPROPORTIONATE HOUSING NEEDS

SECTION II.

Disproportionate Housing Needs

The primary purpose of a disproportionate housing needs analysis is to determine how access to the housing market and housing choice differ for members of protected classes—and to ensure that these disproportionate needs are part of housing plan goal-setting and strategic planning.

To that end, this section:

- 1) Identifies gaps in housing cost burden, for rental and for sale housing;
- 2) Examines differences in the ability to attain homeownership through mortgage loans;
- 3) Assesses how these differences affect housing choice. This includes geographic choice as well as differences in public and private housing options;
- 4) Examines differences in the races and ethnicities of beneficiaries of publicly supported housing and neighborhoods where publicly subsidized housing is concentrated; and
- 5) Identifies where gaps in housing choice are related to actions by the public or private sector, as reported by stakeholders and residents participating in focus groups and a review of fair housing complaint data.

Primary Findings

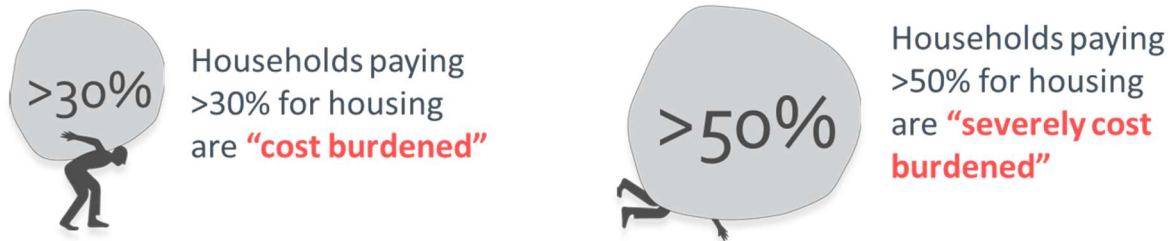
- Rising rents and tightening of the rental market has disproportionately hurt very low income single-person households and families, many of whom are racial and ethnic minorities, persons with disabilities, and elderly residents.
- Similarly, rising home prices has introduced predatory lending and home purchase activity—e.g., “we’ll buy your house as is” offers, rent to own scams, and predatory lending.
- Weak state laws to protect tenants from evictions without just cause exacerbates their vulnerability and increases homelessness, an undesirable outcome which is costly for the public sector.
- Residents and landlords would benefit from increased education and training, including fair housing laws and requirements and “good tenant” classes. Fair housing information should be more intentionally marketed through social service agencies and in grassroots newspapers and social media networks.

- There is growing concern about the effect of city-facilitated redevelopment efforts on displacement of low income and minority residents and skepticism that leadership is working in the best interest of these residents.
- Multifamily developments are not being built to comply with the accessibility requirements under the Fair Housing Act due to lack of inspection/testing and enforcement.

Cost Burden

A starting point for housing needs is the measure of “cost burden.” Cost burden exists when households pay more than 30 percent of their gross household income in housing costs. Housing costs include the rent or mortgage payment, utilities, renter or homeowner insurance, and property taxes.

Severe cost burden—paying more than 50 percent of monthly gross income on a household rent or mortgage—is an indicator of critical housing needs. Severe cost burden is also linked to a high risk of eviction or foreclosure, and homelessness.



Why policymakers should care about cost burden. From an economic perspective, Oklahoma City should aim to mitigate cost burden to allow households to invest in the local economy—through direct spending on goods and services, as well as investments in education, health, and well-being of their families. These investments bolster local revenues, increase job readiness, help renters become homeowners, lower the public costs of eviction and foreclosure, and, most importantly, increase the economic opportunity for children.

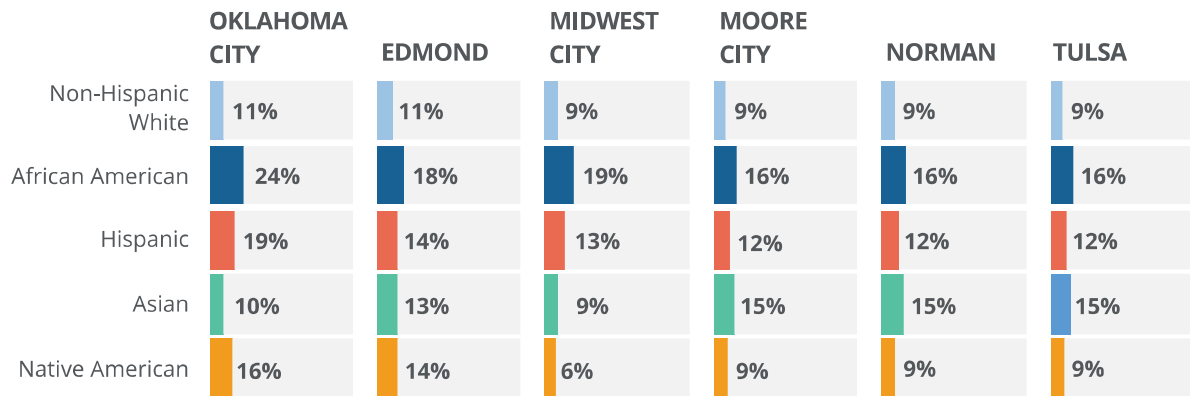
Differences in severe cost burden by race and ethnicity. As shown in Figure II-1, African Americans face the highest rate of severe cost burden of any resident group in Oklahoma City. Severe cost burden for African Americans living in Oklahoma City is much higher than in any other city in the region; this is also true for Hispanic and Native American residents.

Overall, in Oklahoma City:

- One in four African American households experience severe cost burden;
- One in five Hispanic households experience severe cost burden;

- One in six Native American households experience
- One in ten Asian and Non-Hispanic White households experience severe cost burden.

Figure II-1.
Households Experiencing Severe Cost Burden by Race and Ethnicity, by Jurisdiction, 2015



Note: Severe housing cost burden is defined as housing costs that are greater than 50 percent of income.

Source: HUD CHAS dataset using ACS 2011-2015. Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Disparities in Homelessness

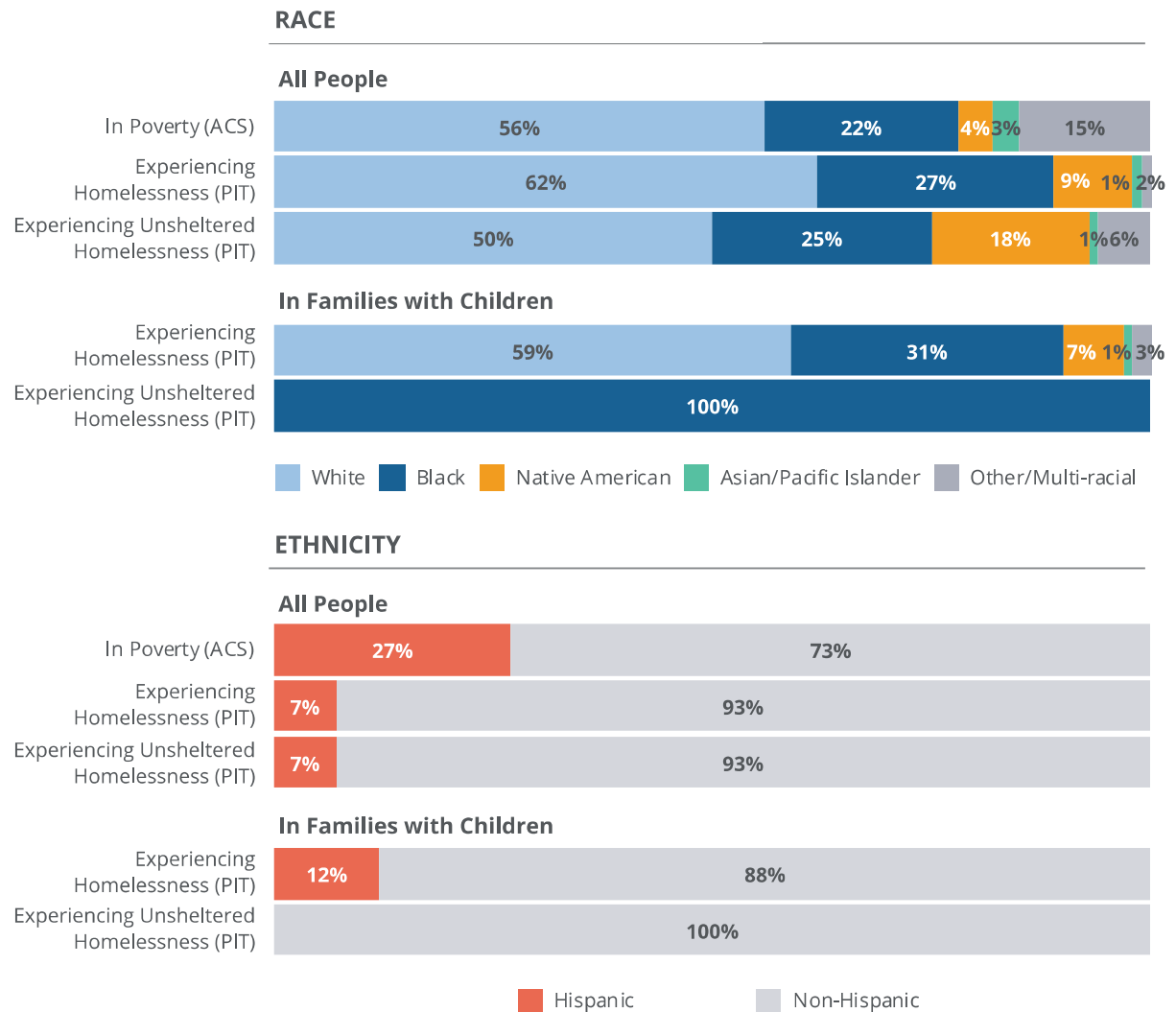
The most severe consequence of severe cost burden is homelessness, and, in Oklahoma City, the risk of homelessness is unequal among racial and ethnic groups, even after adjusting for poverty.

As demonstrated in Figure II-2, African Americans and Native Americans are disproportionately likely to experience homelessness:

- African Americans make up 22 percent of residents living in poverty in the Oklahoma City region. This compares to 27 percent of residents experiencing homelessness, 25 percent of residents who are homeless and unsheltered, and 31 percent of families experiencing homelessness.
- Native Americans make up 4 percent of residents living in poverty yet comprise 18 percent of residents who are homeless and unsheltered.
- White residents are also more likely to experience homelessness than their representation among residents living in poverty would suggest.

In contrast, residents of Hispanic descent represent 27 percent of residents in poverty and only 7 percent of residents experiencing homelessness.

Figure II-2.
Race and Ethnicity of Individuals in Poverty v. in Homelessness, 2015



Source: HUD Continuum of Care Equity data reflecting the Oklahoma City Continuum of Care region.

Evictions

According to the Eviction Lab project, Oklahoma City ranks 20th in the nation for evictions. This ranking is based on the city's eviction rate of 6.19 percent per 100 renters. In Oklahoma City, nearly 18 households are evicted every day ; 6,400 households are evicted each year. Tulsa is 11th in the nation with a rate of 7.77 percent.

Many stakeholders interviewed for this AI expressed concerns about the high rate of evictions in the city and the impact on families and the city:

- The costs of eviction are many, ranging from children moving schools to job losses to homelessness. A recent study in Philadelphia—which has an eviction rate half of that of Oklahoma City's—found that eviction costs the city \$45 million annually, which

could be avoided with a \$3.5 million investment in legal representation for renters to help avoid eviction.

- The University of Oklahoma’s Housing Eviction Legal Assistance Program (HELP) estimates that 9 out of 10 people are *not* represented in their eviction proceedings.
- Evictions disproportionately impact women/single mothers, people of color, and persons with mental health challenges.
- The city needs a three-pronged approach to eviction prevention:
 - 1) Invest in tenant education on rights and responsibilities;
 - 2) Provide renters at risk of eviction with legal representation to negotiate solutions other than eviction; and
 - 3) As part of code enforcement efforts, address “slumlords,” often out-of-state owners who do not keep their properties in good condition and use eviction as a threat against tenant complaints about condition. Some stakeholders feel that such landlords exploit poor families who have very limited choices in the housing market due to poor credit and/or lack of documentation. When code enforcement encounters such properties, officers could provide tenants with information about their rights (e.g., pamphlet with information in English and Spanish).

Gaps in Attaining Homeownership

For the majority of households in the U.S., owning a home is the single most important factor in wealth-building. Homeownership is also thought to have broader public benefits, which has justified decades of public subsidies to support ownership. The federal government has subsidized homeownership in various forms for nearly 100 years—yet the subsidies and wealth-building benefits of ownership have been realized by a narrow segment of households, largely due to the denial of ownership opportunity through restrictive covenants, lending bias, and direct discrimination.

Overall in Oklahoma City, 58 percent of households own their homes. This compares to 50 percent in Tulsa. Oklahoma City’s homeownership rate is also higher than similarly sized- and positioned-cities: Austin’s is 45 percent; Denver, 49 percent; and Sacramento, also 49 percent.

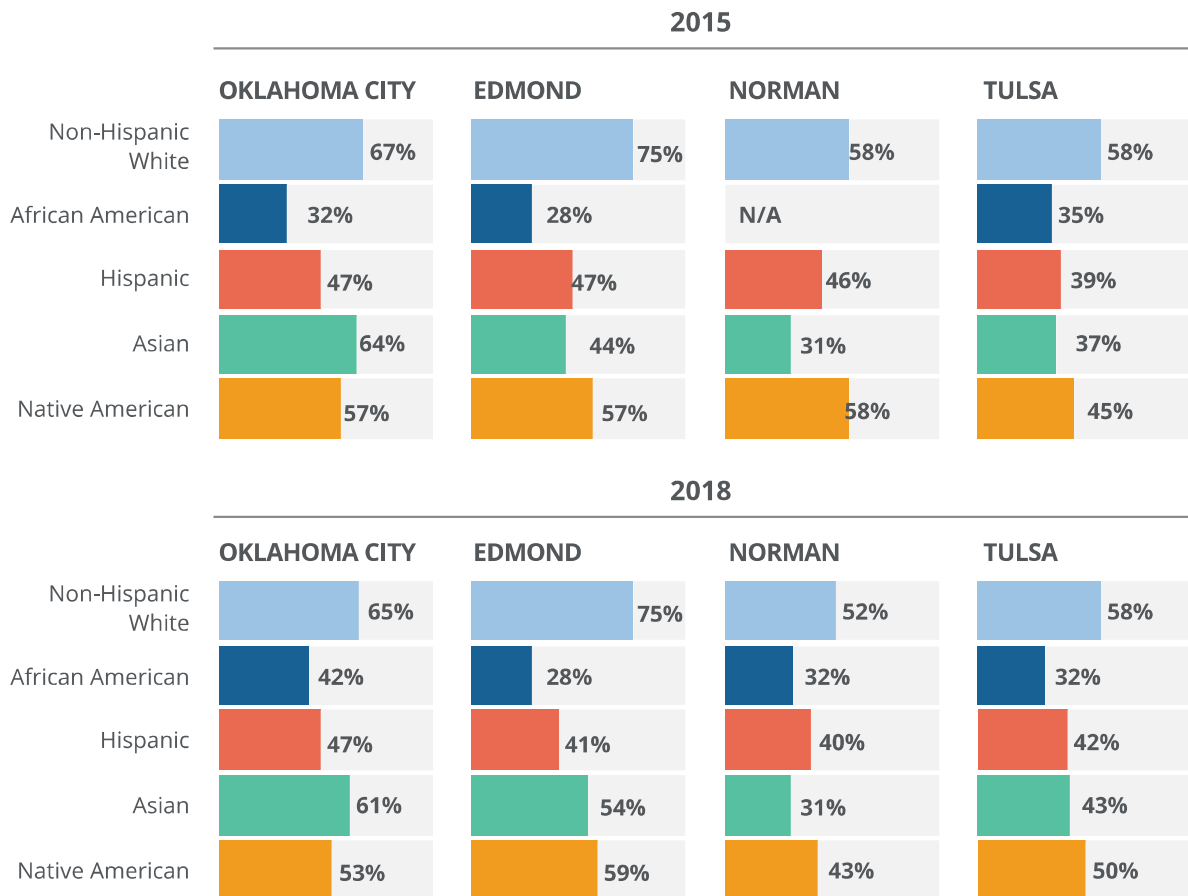
Yet homeownership rates vary considerably by race and ethnicity in Oklahoma City. Figure II-3 compares homeownership rates by race and ethnicity, in 2015 and 2018, and among jurisdictions for which 2018 data were available.

Oklahoma City shows a significant increase in homeownership for African Americans from 2015, although the rate of 42 percent in 2018 is still much lower than that of Non-Hispanic

White households. Oklahoma City's African American ownership rate is also much higher than peer cities, which did not show an increase from 2015.

Hispanic ownership did not change from 2015 and is lower than Non-Hispanic White ownership, yet remains higher in Oklahoma City than in other cities. For Asian and Native American households, the ownership rate declined slightly from 2015. Asian ownership in Oklahoma City is higher than in peer cities; Native American ownership is in the middle.

**Figure II-3.
Homeownership by Race and Ethnicity, 2015 and 2018**



Source: American Community Survey, 2013-2017.

A recent examination of the commonalities of cities with high rates of African American ownership found two important factors: 1) High levels of advocacy, organizing, and testing that guards against discriminatory practices and treatment; and 2) Inner-ring suburban areas that provide attractive alternatives to city living due to good schools, welcoming leadership, and affordability.¹ Ensuring that these factors are in place in Oklahoma City will

¹ <http://www.governing.com/topics/transportation-infrastructure/sl-black-homeownership-norm-in-these-cities.html>

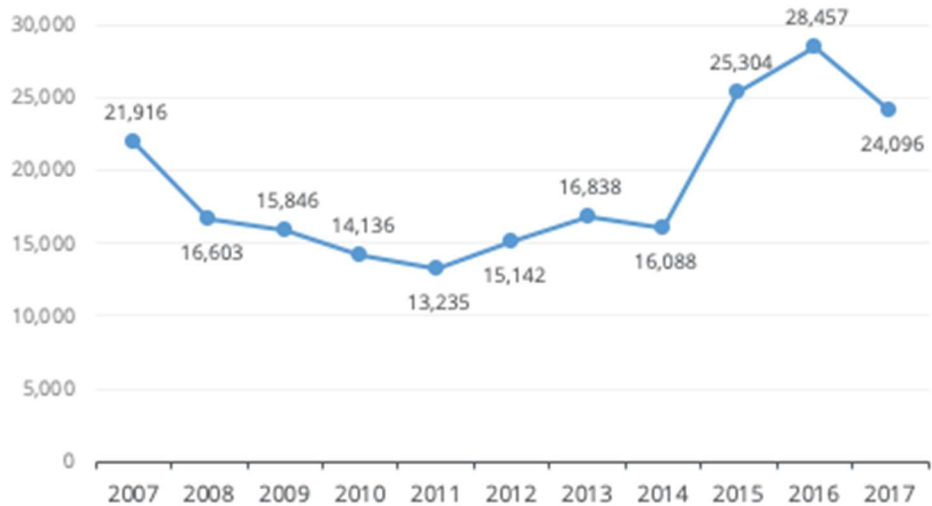
be important for the city to continue to boost ownership rates among under-represented households.

Differences in access to credit. The federal Home Mortgage Disclosure Act (HMDA) data are used to detect differences in mortgage loan originations by the protected classes reported in the data. The HMDA data analyzed in this section reflect loans applied for by residents in 2015, 2016 and 2017, with 2017 being the latest year for which HMDA were publicly available at the time this document was prepared. During this time period, nearly 78,000 households applied for a loan to buy a home, improve a loan, or refinance an existing loan, all in Oklahoma City.

In the past 10 years, applications were highest in 2016 and lowest in 2011. Loan applications declined significantly during the period of the Great Recession and bounced back beginning in 2015—yet declined by nearly 20 percent between 2016 and 2017.

**Figure II-4.
Number of
Loan
Applications,
2007-2017**

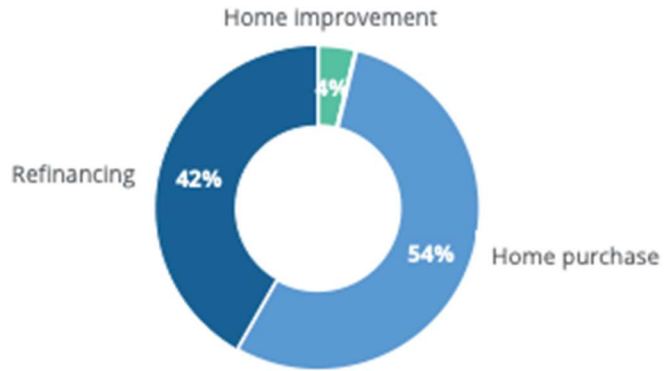
Source:
2015-2017 HMDA and
2014 AI.



Of the 78,000 loans applied for between 2015 and 2017, 54 percent were for home purchases, 42 percent were for refinancing existing loans, and just 4 percent were home improvement loans.

**Figure II-5.
Type of Loan Applications,
2015-2017**

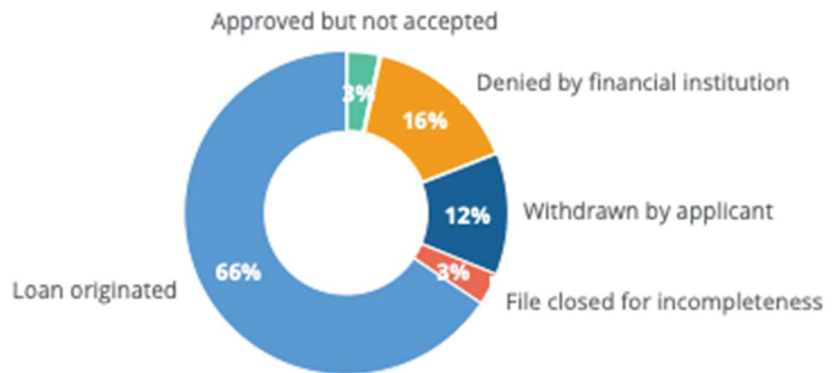
Source:
2015-2017 HMDA.



Overall, 66 percent of the loan applications were approved. Sixteen percent were denied. Another 12 percent with withdrawn by the applicant and the balance were not initiated because they were not accepted by the applicant or were incomplete.

**Figure II-6.
Action Taken on
Loans, 2015-2017**

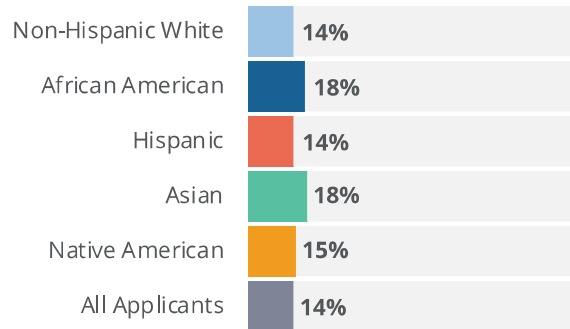
Source:
2015-2017 HMDA.



Overall, there was little variation in the proportion of loans denied by race and ethnicity. African American and Asian loan applications had the highest denial rate of 18 percent—4 percentage points higher than that of Non-Hispanic White applicants.

**Figure II-7.
Mortgage Loan Denial Rate by
Race and Ethnicity, 2015-2017**

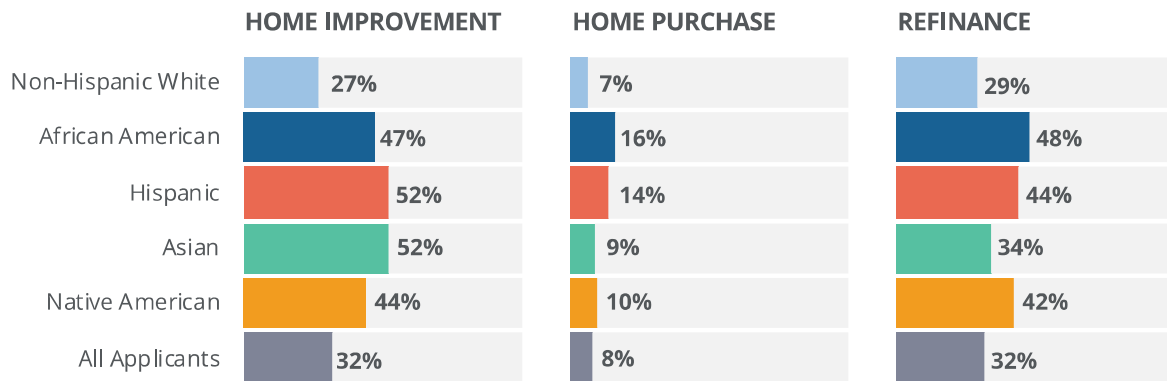
Source:
2015-2017 HMDA.



Variation is more pronounced by loan type, however, as shown in the figure below.

- For home improvement loans, around half of the applications submitted by African American, Asian, and Hispanic households were denied. This is much higher than the 27 percent denial rate for Non-Hispanic White applicants and 32 percent for all applicants.
- Refinances rates also differed widely among African American, Hispanic, and Native American applicants relative to Non-Hispanic White and all applicants.
- Home purchase denial rates showed the smallest percentage point differences.

Figure II-8.
Type of Mortgage Loans Denied by Race and Ethnicity, 2015-2017

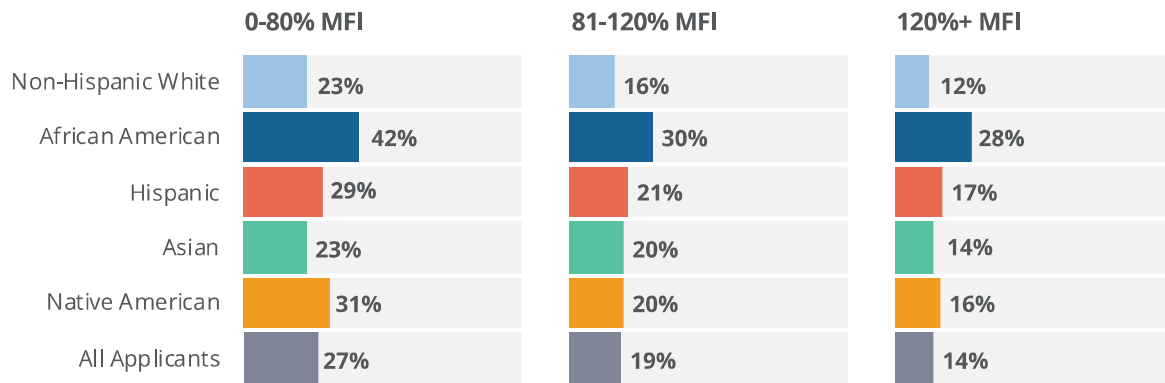


Source: 2015-2017 HMDA.

Figure II-9 shows differences in denial rates by race and ethnicity and applicant income.

- Across all ranges of Median Family Income (MFI) applicants, the denial rate is much higher for African American households than all applicants and all other racial and ethnic groups.
- African American applicants are unique in that their denial rate never approximates the “all applicants” rate. Even for the highest income applicant range, the African American denial rate is twice the all applicant rate.
- In contrast, Non-Hispanic White applicants have denial rates lower than all applicants across all income categories.
- The persistent differences in denial rates across income categories for African American applicants was also evident in the AI from 2014—although the denial rates overall were much lower.

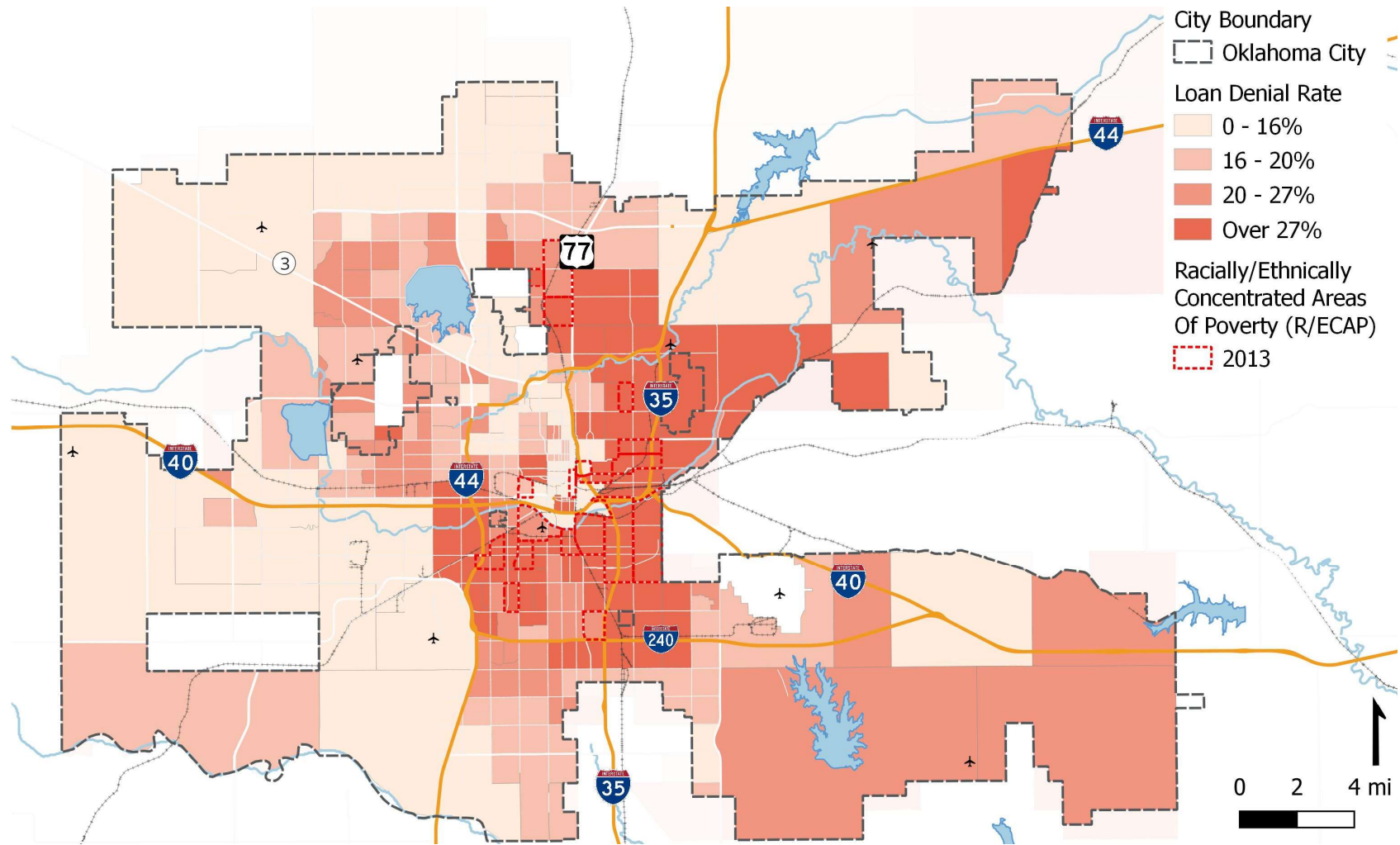
Figure II-9.
Denial Rate by Race/Ethnicity and Applicant Income, 2015-2017



Note: 2015-2017 HMDA.

Figure II-10 shows the geographic patterns in loan denials. The darkest shading shows areas where the denial rate was higher than that of all 0-80 percent MFI applicants. Nearly all R/ECAPs are in high-denial areas. High-denial areas are also those where the city's African American and Hispanic residents are most likely to live.

Figure II-10.
Loan Denial Rates, 2015-2017



Source: 2015-2017 HMDA .

Subprime lending. Nationally, in 2017, about 4 percent of conventional home purchases and 2 percent of refinance loans were subprime²—down from 25 percent in 2006.³

In Oklahoma City in 2017, 7 percent of mortgage loans carried subprime rates—much higher than the national proportion. As shown in the figure below, the proportion of subprime loans varied considerably by race and ethnicity, however, with one-fifth of the loans to Hispanic borrowers carrying subprime rates. The proportion of subprime loans made to African Americans is also relatively high at 13 percent.

Figure II-11.
Percent Loans Subprime by
Race and Ethnicity, 2015-2017

Source:
2015-2017 HMDA.

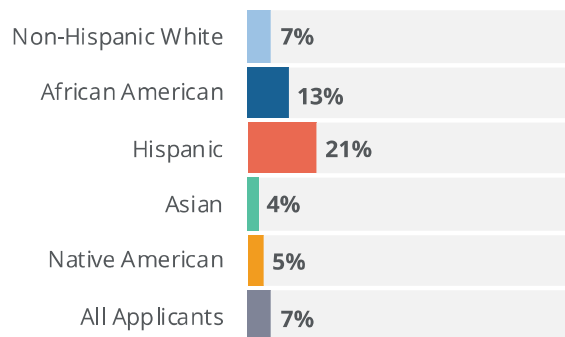
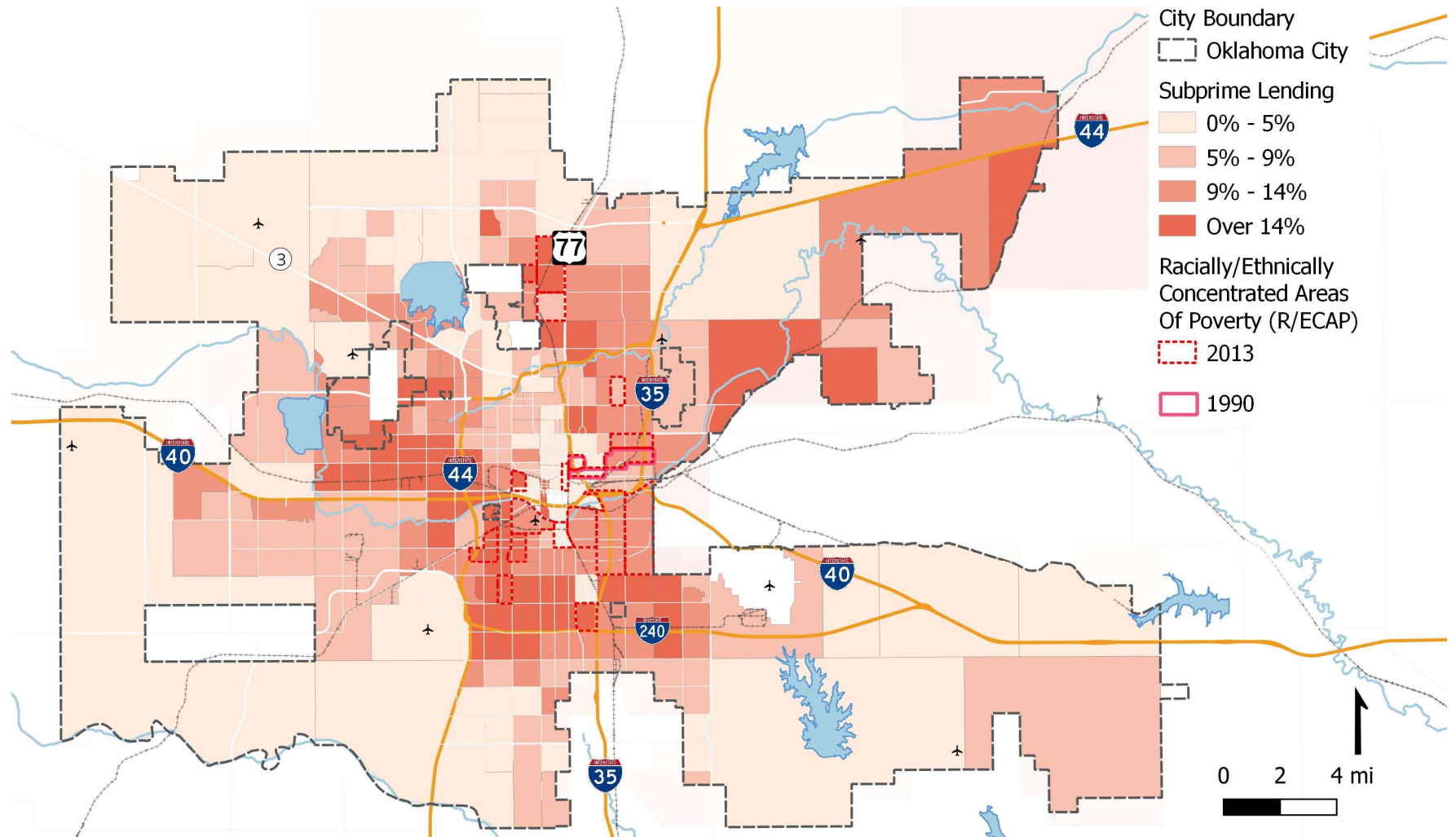


Figure II-12 is a map of subprime lending. Consistent with the data in Figure II-11, the geographic areas where subprime lending is most concentrated are also areas of Hispanic concentration. The exception are the neighborhoods on the western portion of the city which have moderate levels of poverty and Hispanic concentration.

² For the purposes of this section, “subprime” is defined 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.

³ https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/bcfp_hmda_2017-mortgage-market-activity-trends_report.pdf

Figure II-12.
Subprime Lending, 2015-2017



Source: 2015-2017 HMDA..

Reasons for denials. Differences in denial rates are difficult to explain because of the variety of factors that influence the lending decision. HMDA data on reasons for denials are broad, and typically show little variation among racial and ethnic groups, with the primary reasons for denial being high debt to income ratios and poor credit history.

A growing body of research has looked more closely at the harder-to-detect reasons for differences in mortgage loan outcomes:

- A 2014 study found that much of the racial and ethnic variance in pre-recession subprime lending was determined by the lenders chosen by borrowers. Some lenders steered racial and ethnic minorities toward high rate loans, even when their risk profiles did not require a subprime rate.
- Many of these loans resulted in foreclosures, which disproportionately affected the communities in which racial minorities purchased homes.
- As discussed below, a more recent study has found that computer algorithms contain geographic biases that perpetuate differences in loan denials and subprime lending.

Effects of redlining on values. A recent study, conducted by researchers at UC Berkeley, suggests that past practices, which depressed home values in neighborhoods with minority residents, continues to have a negative effect in those neighborhoods. The computer algorithms used to determine mortgage pricing could treat some of these areas as higher risk.

The study found that, nationally, Latinx and African American borrowers paid between 5.6 and 8.6 basis points more for mortgage loans made between 2008 and 2015 regardless of the type (computer or human) of lender. This is equivalent to 11 to 17 percent of lender profit on the average loan, meaning that lenders earn significantly more from loans made to Latinx and African American homebuyers.⁴

There was little difference in the rate charged by computer or human, suggesting that the higher rate charged to minority borrowers is a factor of other variables, which are built into risk pricing and could be geographically related. The research also speculated that timing (urgency of getting a loan to buy a home once found) and lower frequency of comparison shopping among persons of color could also explain the interest rate differences.

There was, however, a difference in the denial rate for mortgage loans: humans rejected loans to these borrowers 4 percent more often than a computer did. Computer rejections did not discriminate on the basis of race and ethnicity at all.

⁴ The time period covered in that study includes the period when subprime loans were common; subprime loans are a much smaller part of the market today. Several lawsuits and challenges have demonstrated that minority borrowers received subprime loans that were not risk-justified.

Publicly Supported Housing and Neighborhood Access

A growing body of recent research has bolstered the evidence that where affordable and mixed-income housing is developed has a long-term impact on the households that occupy that housing. For example:

- Dr. Raj Chetty’s well known Equality of Opportunity research found positive economic returns for adults who had moved out of high poverty neighborhoods when they were children. The gains were larger the earlier children moved.
- A companion study by Dr. Chetty examining social mobility isolated the neighborhood factors that led to positive economic mobility for children. Children with the largest upward economic mobility were raised in neighborhoods with lower levels of segregation, lower levels of income inequality, higher quality schools, and greater community involvement (“social capital”).
- A similar study by researchers at Johns Hopkins University found that when assisted housing is located in higher quality neighborhoods, children have better economic outcomes. The study also concluded that because low income African American children are more likely than low income white children to live in assisted housing, the location of assisted housing in poor quality neighborhoods has a disproportionate impact on African American children’s long-term economic growth.

This research is counter to years of housing policies and programs that focused on building large multifamily complexes to house persons living in poverty, often placing these developments in the least desirable areas in a city.

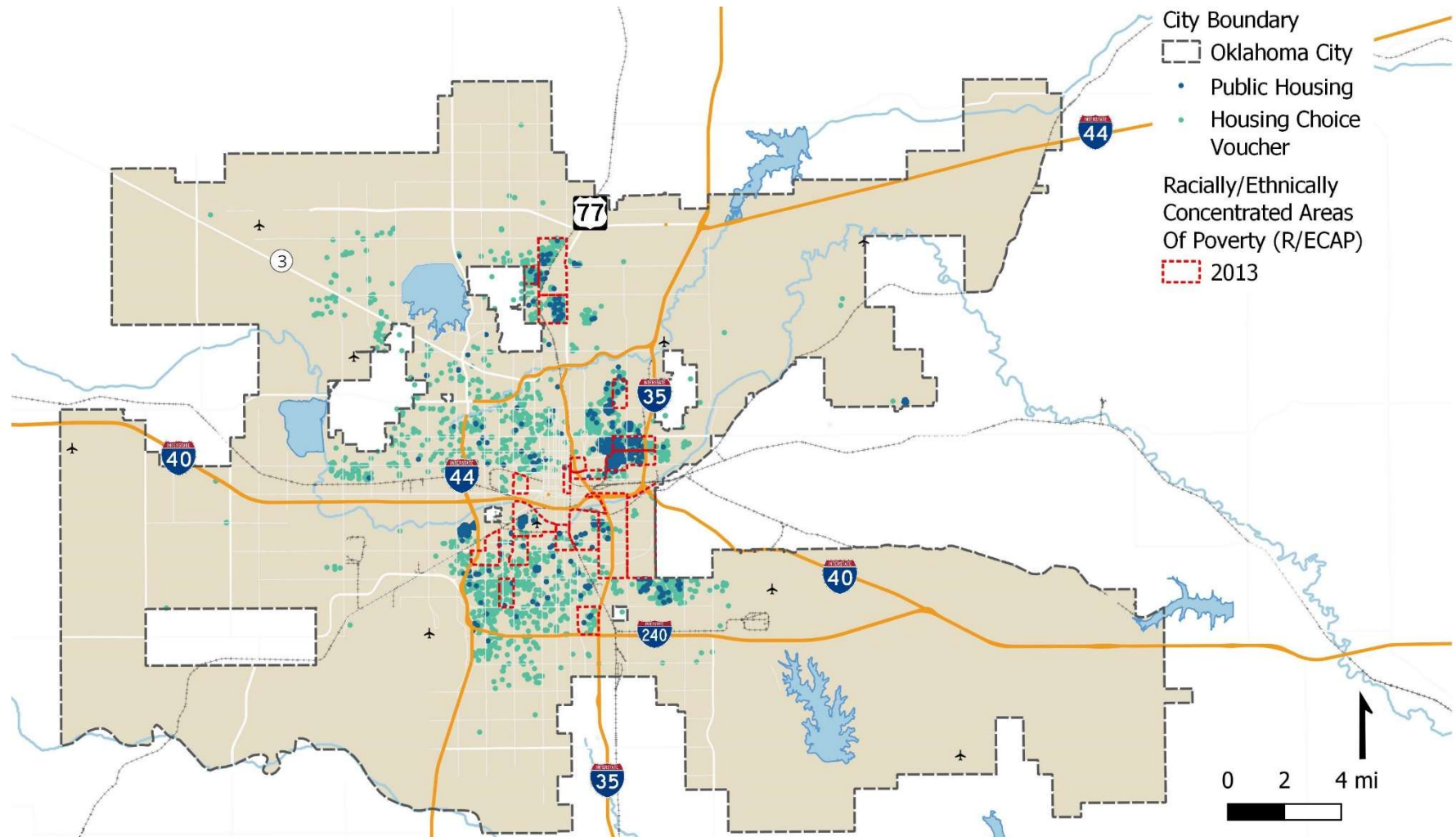
Public housing authority. The Oklahoma City Housing Authority administers more than 4,500 Housing Choice Vouchers and 2,900 traditional public housing units, with more than 400 scattered site units.

According to housing authority staff, demand is highest for 1 bedroom units to serve single, mostly elderly, households. In the past decade, demand has shifted toward smaller units and away from larger units. The housing authority offers preferences to senior and elderly households to help accommodate growing needs in the city.

Voucher holders seek housing that is close to strong schools—mostly in Edmond—yet units in those areas are the most difficult to find. Vouchers are easiest to place in the northwest and southwest portions of the city.

Figure II-13 shows the location of public housing, in addition to Housing Choice Vouchers. Housing Choice Vouchers are well distributed in the city with some modest concentrations in the south, reflective of where housing authority staff find the most available rental units. As with most housing authorities, traditional public housing is concentrated in a handful of neighborhoods, some of which are also R/ECAPs.

Figure II-13.
Public Housing and Housing Choice Vouchers, 2019



Source: Oklahoma City Housing Authority

Figure II-14 shows the racial and ethnic breakdown of households served by the housing authority. Except for “other multifamily” housing, racial and ethnic minorities benefit from publicly subsidized housing proportionate to their representation of households overall. In sum, the data do not reveal any significant concentrations of racial or ethnic groups in any type of publicly subsidized housing.

Figure II-14.
Race and Ethnicity of Publicly-Supported Housing Occupants

	Non-Hispanic White	African American	Hispanic	Asian	Native American	Total Minority
Other Multifamily	55%	12%	5%	2%	4%	22%
Project Based Section 8	17%	28%	3%	2%	7%	41%
Public Housing	13%	24%	17%	0%	2%	44%
Compared to Total Households	54%	15%	19%	5%	1%	46%

Note: HUD AFFH Raw Data, February 2018.

The greatest challenges in meeting the large and growing need for deeply subsidized housing, according to housing authority staff, include:

- Landlords in Oklahoma City are quick to evict tenants. The housing authority has a plan in place and legal staff working to lower evictions by enhancing resident services and “good tenant” programming.
- Past drug use and convictions, including the prevalence of opioid use, of clients are a major challenge in housing the city’s most vulnerable residents. The housing authority has a 5 year look back for drug use and considers convictions only, not just arrests, to avoid disproportionate impacts on persons of color.
- HUD does not typically fund housing authorities to provide the services necessary to support the needs of residents with mental health challenges.
- Tighter rules from HUD regarding immigration status complicate access to housing for those who do not have a social security card, regardless of their citizenship status. It is very time consuming and difficult to get a social security card in Oklahoma City; the office is not convenient for residents without a car.
- Lack of frequent public transportation is a major barrier for clients.
- Keeping up with the cost of rising utilities is a growing challenge for clients.

Resident and Stakeholder Input on Barriers to Housing Choice

Private barriers to housing choice were discussed with stakeholders and residents during the development of this AI. These discussions focused on both disproportionate housing needs, as well as affordable housing gaps in general. This section summarizes the primary findings from those discussions.

Rental Market and Gaps

- Rental housing very hard to find for extremely low income renters (earning less than 30% MFI) as well as middle class renters (those with incomes just above LIHTC income limits).
- The median rent consumes 80 percent of monthly assistance for a senior or resident with disability who cannot work and must live on Social Security/Disability Income.
- To adequately address the needs of extremely low income renters with special needs, Oklahoma City needs 5,000 units of truly supportive housing with onsite case management as part of the housing spectrum.
- Redevelopment of formerly low income areas is producing luxury rental units that are unaffordable for the residents who were displaced. These units are perceived as being for “newcomers,” not for long time OKC residents. Residents worry that plans for the areas around the medical campus will further exacerbate gentrification and displacement.

Homeownership Market and Gaps

- Residents are very concerned about gentrification in the city’s remaining and most affordable neighborhoods in the South and East/Northeast neighborhoods. They witness \$30K homes being scraped, replaced with \$250K+ homes. This raises concerns about rising property taxes that residents on a fixed income cannot afford.
- Affordable ownership products are lacking for middle class households, earning \$50,000 to \$75,000 per year.
- The city should prioritize preservation of traditionally “blue collar” neighborhoods with high homeownership rates for future families and workers.
- “Rent to Own” and predatory lending scams target Hispanic households and seniors with homes in need of repairs.

Services

Oklahoma City has been hit by the opioid crises and providers are under-resourced. The faith community fills the gap by providing substance abuse counseling and assistance, yet their resources are limited. There is only one medical detox provider with 25 beds; they are

oversubscribed and there is a two month wait to get in. Similarly, the city's mental health crisis centers can only accommodate worst case needs—immediate danger of harm, which a very narrow definition of crisis.

Leadership on Housing

- Many residents are skeptical of the city's plans for housing development and feel that affordability is not part of the plan. They perceive development as driven by people with long-time connections and old money—*"They're not for us or like us."* Lack of representation of residents who are not "connected" or economically powerful on city boards and commissions fuels this skepticism.
- Residents expressed a desire for better representation of the Black community living in East/Northeast CHDO Boards. Some residents feel that the homes being built by CHDOs are too small for a traditional Black or Hispanic family.
- Some residents believe that community engagement occurs *after* decisions have been made and is only conducted to check a box. *"We want more than a seat at the table; we want an invitation to the kitchen to help cook."*

Fair Housing Complaints and Enforcement

The 2014 AI reported that Oklahoma City residents had filed 325 complaints between 2004 and 2014, for an average of 30 complaints annually. The top reasons for the fair housing complaints were disability and race, followed by familial status. The two most common discriminatory acts that led to the complaints included: 1) Different terms or conditions in privileges, services or facilities; and 2) Coercion and related discriminatory acts.

Between 2015 and 2018, 79 complaints were filed, for an average of 20 complaints per year. Recent trends show the number of complaints on a declining trend: 26 were filed in 2015, 29 in 2016, 15 in 2017, and 9 in 2018.

The Metropolitan Fair Housing Council, discussed below, managed 356 fair housing cases in 2018, with approximately one-quarter related to disability and another one-quarter related to familial status. The balance were race and ethnicity related cases.

These trends are consistent with observations by fair housing advocates who noted that filings, as well as general advocacy, has been hampered by fear that landlords will evict tenants who complain about their treatment or conditions of their rental units. Both federal and state legislation has contributed to this fear, including bills that restrict public programs to U.S. citizens, as well as White nationalist movements.

According to the complaints filed between 2015 and 2018, the most common bases for complaints include:⁵

- Discrimination on the basis of disability at 62 percent of all complaints;
- Discrimination based on race at 25 percent of all complaints;
- Discrimination based on gender/sex at 15 percent of all complaints.

Refusal to rent, different conditions for rentals, and refusal to make reasonable accommodations were the most common violations alleged.

Interviews with stakeholders for this AI provided additional detail on the experiences of vulnerable residents:

- Hispanic residents, in particular, are reluctant to file complaints, report discrimination, or call code enforcement about rental units in poor condition. They worry that their landlords will report them to immigration officials or evict them.
- Discrimination against families is increasingly more subtle—e.g., regulations that prohibit where children can play within an apartment complex.
- Multifamily developments are not being built to comply with the accessibility requirements under the Fair Housing Act due to lack of inspection/testing and enforcement.
- Rising rents and tightening of the rental market has disproportionately hurt very low income single-person households and families, many of whom are racial and ethnic minorities, persons with disabilities, and elderly residents. Weak state laws to protect tenants from evictions without just cause exacerbates their vulnerability and increases homelessness.
- Similarly, rising home prices has introduced predatory lending and home purchase activity—e.g., “we’ll buy your house as is” offers, rent to own scams, and predatory lending.
- Fair housing knowledge and awareness among residents is still lacking, especially among vulnerable populations.

Fair housing organizations. Oklahoma City is very fortunate to have a well-established fair housing agency, the Metropolitan Fair Housing Council of Oklahoma (MFHC). The city funds the activities of MFHC annually as part of its commitment to fair housing. MFHC serves residents statewide with fair housing counseling, investigation and testing, mediation services, and legal and complaint referral.

⁵ Percentages total more than 100 due to multiple bases in some complaints.

In Oklahoma, fair housing complaints must now be filed with HUD because of the lack of a state fair housing investigative agency. MFHC facilitates the filing of HUD complaints and advocates for residents during the investigation process. This is a change from when the Oklahoma Human Rights Commission was active and investigations occurred at the state level; this expedited the resolution of complaints.

Residents of Oklahoma City can also be served by Legal Aid OK, a nonprofit law firm that provides legal assistance to low income residents and seniors. Legal Aid offers a range of services that include assistance to individuals who believe that they have been subject to discrimination and eviction assistance.

Since the 2014 AI, MFHC has settled two very high profile cases:

- In 2018, a \$50,000 settlement was achieved by a homeowner with a disability living in the Shady Acres Mobile Home Park in Oklahoma City. The plaintiff, who owned her mobile home and rented the lot space in the park, was denied a reasonable accommodation for an assistance animal.
- In 2017, MFHC settled a complaint for \$800,000 brought against Walter Ray Pelfrey by several defendants who alleged discrimination on the basis of sex, as well as sexual harassment and unwelcome sexual advances, in exchange for rent forgiveness, promises not to evict, and payment of utilities.

SECTION III.

ZONING AND LAND USE

SECTION III.

Zoning and Land Use

This review discusses areas where Oklahoma City's zoning ordinances and land use regulations could be improved to ensure compliance with federal laws related to fair housing choice.

Summary of Recommendations

The regulatory review of Oklahoma City's zoning and land use policies found many areas where the code could be clarified or strengthened to avoid fair housing challenges. The areas we recommend for priority action include:

- The code should add flexibility to the definition of family to avoid potential fair housing challenges and better reflect changing living arrangements.
- The code would benefit from a legal review on potential fair housing challenges associated with treatment of persons with disabilities living in group homes. Several areas of the code are unclear and may result in treating persons with disabilities differently from non-disabled persons and among people with different types of disabilities.
- The city's code update should consider revising densities and development standards to ensure they accommodate a wide range of housing types and products that are typically more affordable and avoid indirect effects of segregating protected classes into certain neighborhoods. This should include an assessment of where different housing types are allowed, how rezoning decisions affect housing type placement, and the impact of required approval processes for variances on the distribution of housing by type and level of affordability. Some cities are achieving this by building an equity framework into their updated comprehensive plans and codes.

Best practices that are not as critical in nature but would be beneficial during the update of the code or in text amendments include:

- Include a definition of disability that is consistent with the Federal Fair Housing Act.
- Establish standard processes for reasonable accommodation requests.
- Allow ADUs and other types of gentle density in some single family districts, potentially in exchange for affordability commitments.

Background on Federal Laws

The Federal Fair Housing Act (referred to as the Fair Housing Amendments Act, or FHAA, to acknowledge the full protections the act affords) requires that recipients of housing and community development funds affirmatively further fair housing choice. This includes avoiding policies and/or practices that limit the fair housing choice of the individuals and households protected by the FHAA.

Land development codes cannot contain standards, definitions, or procedures that result in differential treatment in housing on the basis of race, sex, religion, national origin, color, disability, or familial status (households with children under the age of 18). In addition, land development regulations that increase development costs, e.g., through density or design requirements that make residential development overly expensive, can limit the supply of affordable housing. In most communities, this has a direct impact on racial and ethnic minorities, larger households and families with children, and persons with disabilities because these groups are disproportionately represented among those residing in lower cost housing. Limits or prohibitions on multifamily housing or restrictions on household occupancy are other examples of how land development codes can negatively affect the groups protected under FHAA.

The Americans with Disabilities Act (ADA) prohibits discrimination based on disability, defined by ADA as a physical or mental impairment. The ADA requires accessibility in public places (i.e., open to and used by the public) and also requires that “reasonable accommodations” be allowed when necessary to permit persons with disabilities equal opportunity to enjoy such places. The accessibility provision in the FHAA governs residential accessibility, and requires that multifamily buildings built after March 13, 1991 have specific accessible design features and be adaptable. In addition, the FHAA ensures that persons with disabilities have the right to request and be granted modifications to residential units—as well as local regulations and standards—to make a residence or building accessible to them.

Common Regulatory Barriers

Some of the key factors in land development codes that most commonly result in barriers to fair housing choice and reasonable accommodation include:

- **Site standards.** Large lots or excessive setbacks between structures or from streets that can increase development costs, e.g., special infrastructure;
- **Limits on density.** Restriction on or prohibition of multifamily housing; low floor area ratios (FAR) for multifamily or mixed-use development; or low density requirements;
- **Use-specific standards.** Special site or operational requirements for group homes for persons with disabilities that are not required for other residences or groups;

- **Differences in quality and access to public services.** Additional requirements for infrastructure or essential municipal services not required for other residences or dwelling units;
- **Definition of family and occupancy restrictions.** Definitions of family or occupancy limits that prohibit or limit the number of unrelated persons in a household;
- **Procedures for development or rezone reviews.** Extensive review procedures, public hearings, or notice requirements for different housing types, housing for protected classes, or low-income housing;
- **Housing types.** Limits or prohibitions on alternative affordable housing options such as accessory dwelling units (ADUs), modular or manufactured homes, and mixed-use developments;
- **Spacing.** Minimum distance between group homes that are not required for other residences or groups and make development of group homes difficult;
- **Reasonable accommodations.** Regulations inhibiting modifications to housing for persons with disabilities or their ability to locate in certain neighborhoods; and
- **Code language.** Local land development codes and standards that are not aligned with federal and state regulations governing fair housing and reasonable accommodation.

Oklahoma City Regulatory Review

The Oklahoma City Zoning and Planning Code was reviewed based on a checklist developed by the Region IX HUD office (“Review of Public Policies and Practices—Zoning and Planning Code). The checklist poses a series of questions aimed at common zoning regulations that impact fair housing. The questions in that checklist are consolidated below and used to evaluate the zoning and planning code.

1. Is there a definition of “family” and does it discriminate against group living for persons with disabilities?

Family is defined in section 59.2150 of the Zoning and Planning Code as “one or more persons related by blood or marriage, including adopted children, or a group of, not to exceed five unrelated persons (not related by blood or marriage), occupying the premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, or hotel.”

This definition does not single out persons with disabilities and would include both related and unrelated persons as long as the group meets the other parameters of the definition: related by blood, marriage or adoption or an unrelated group not exceeding five persons, regardless of an individual’s disability.

Although not unusual in residential codes, the definition could come into conflict with FHAA since it limits the number of unrelated persons but does not limit the number of “related” persons. While all unrelated persons are treated the same, this definition could create disparate treatment if a related family of eight persons is permitted to reside in a residence similar to one inhabited by unrelated persons with disabilities or other protected classes who may be more likely to live in unrelated group settings (e.g., farmworkers, refugees), who are limited to five persons in the same residence.

The city’s definition may also create barriers to forming cooperative housing arrangements, which are becoming a more common solution to housing affordability constraints and growing in popularity among single, unrelated residents, including older adults seeking communal living arrangements.

To that end, some cities have moved away from defining “family” to avoid potential FHAA conflicts and instead rely on occupancy standards to regulate residential overcrowding. The recent “Scarborough 11” case in Hartford, Connecticut provides a strong case for removing narrow definitions of family from local codes.

The Planning and Zoning Code also defines different types of residential units in section 59-8200, Residential Use Unit Classifications. One type of residential unit listed is “group residential.” This is defined as “the residential occupancy of living units by a number of occupants, not constituting a family or otherwise related, but occupying the structure on a non-transient basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, boardinghouses, lodging houses and monasteries...” It is unclear how this definition may relate to groups of persons with disabilities living in a single-family dwelling unit. Because of this there may be confusion about how to review a residential facility serving a group of persons with disabilities and to determine which zone district permits such facilities.

2. Are there any occupancy standards or maximum occupancy limits?

Except as noted in the definition of “family,” there are no occupancy standards or maximum occupancy limits established for residential dwelling units in the Zoning and Planning Code.

3. Is the number of unrelated disabled individuals residing together restricted but there is no restriction for other persons?

There does not appear to be any restriction for the number of unrelated disabled individuals residing together. As discussed above, the definition of family restricts groups of unrelated persons living together to a maximum of five.

4. Is “disability” defined and is the definition the same as FHAA?

“Disability is not defined. A best practice is to define disability in alignment with FHAA or to reference FHAA (note that the term “handicapped” is used in FHAA and is interpreted to have the same meaning as “disability”). This is helpful in determining

requests for reasonable accommodation and ensures that all disabilities encompassed by FHAA are acknowledged in the local zoning code—including persons with substance abuse challenges who are in recovery. This group has been found by the courts to meet the definition of “disability.”

5. Are housing opportunities for persons with disabilities restricted or mischaracterized as a “boarding or rooming house”?

No. The code allows a use called “low impact institutional: residential-oriented.” This use specifically states that a typical use is “group home for the mentally or physically handicapped,” and also states that persons adjudicated as “criminal, delinquent, or mentally ill” may not be residents. It is a permitted use in 17 zone districts, including all the lower density residential zones. The definition does not stipulate a maximum or minimum number of residents. It clearly states that such group living facilities may be public, quasi-public, or private. The code also includes a definition for “group residential,” broadly defined to include “boarding houses” and “lodging houses.” This use is permitted in five zone districts and only one of those is a residential zone.

These aspects of the code could benefit from clarification and revision in several ways:

- There may be some confusion in assigning a land use category to a group living facility, particularly if that facility provides housing for more than the number of individuals permitted in the definition of “family” for a group of unrelated persons. To that end, clarification is needed on whether either of these residential unit uses must also comply with the unrelated persons occupancy restrictions established in the definition of “family.” There also needs to be clarification regarding how larger residential facilities, not meeting the definition of “family,” are treated and where they are allowed.
- The definitions exclude some categories of disability, such as persons with developmental disabilities and persons in recovery, which are covered under the FHAA, and, as such, may have the effect of excluding these protected classes from a range of residential settings. The U.S. Department of Justice states that the FHAA term mental or physical impairment “may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.”¹ The DOJ also provides an example of a violation of the FHAA that resembles the city’s code: “An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.”

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

6. Does the zoning code allow housing with on-site support services for persons with disabilities?

The definition for “low impact institutional: residential-oriented” includes language that recognizes residents of such facilities may need “special care, supervision, or treatment.” It does not state if such care-givers may be live-in, and if so, if they are calculated in the determining the occupancy for the purposes of satisfying the limitations established for groups of unrelated persons living together found in the definition of “family.” The definition for “group residential” is silent regarding on-site support services, making it unclear as to whether a necessary support service would be considered an allowed accessory use or a primary use that also would need to be a permitted use in the zone district.

Clarification is needed on how live-in staff is counted for the purposes of determining compliance with the definition of “family” and whether on-site support services are an accessory use in “group residential.”

7. Are there definitions for “special group residential housing” and if so, do the definitions align with FHAA.?

Yes, there are several definitions for different types of group residential housing. The definitions do not limit the number of persons residing in the group housing, which minimizes potential conflict with FHAA. In addition to “low impact institutional: residential-oriented” and “group residential” (see items 5 and 6), the following types of “special group residential housing” are included in the residential use unit classification:

- Congregate Care Housing and Convalescent Homes: A residential facility with support services and 24-hour nursing home care.
- Senior Independent Living: Rental housing for independent elderly adults not needing 24-hour oversight. Services such as meals, laundry, transportation, housekeeping, and organized social activities may be provided.

Included under the civic use unit classification are also:

- Domestic Violence Shelters: A residential institution providing shelter and meals for domestic violence victims and their families and where counseling and other support services may be provided.
- Emergency Shelters and Feeding Sites: Transient sleeping and/or meals on a nightly basis provided by charitable organizations.
- Residential Facilities for Dependent and Neglected Children: A supervised residential institution caring for children who cannot reside in their natural home.
- Transitional Mental Health Residential Facilities: A supervised residence with treatment and counseling for stabilized mental health clients who are the responsibility of, and under the control of, the State mental health system or a similar authority.

- Forced Detention or Correction Facilities: Facilities for the confinement of persons accused or convicted of offenses, and may include prisons, jails, work release facilities, pre-release centers and halfway houses.

Although these are listed as “civic uses” the persons residing in these facilities may be a protected class. See the discussion in Item #9.

8. Is there a process to allow waivers of zoning and building code regulations for reasonable accommodation for persons with disabilities?

No process is set forth in the zoning code to allow waivers of zoning requirements for reasonable accommodation. The variance process allows the Board of Adjustment to grant relief from the requirements of the zoning code. However the variance must be necessary because of “conditions that are peculiar to the particular property involved.” This strictly limits the scope of the variance process to physical characteristics of the land and makes it unavailable to persons who are requesting a modification to zoning requirements based on reasonable accommodation. Such requests may include a wheelchair ramp that does not meet setback regulations, a modification to an exterior wall to accommodate certain equipment necessary to address a particular disability, or special exterior treatments.

A best practice is to establish a standard process for reasonable accommodation requests. Some codes identify typical requests, such as a setback waiver for wheelchair ramps, as administrative in nature when it does not exceed a certain amount. Such requests are processed the same as any other building permit. Other reasonable accommodation requests are processed with a more detailed administrative review using criteria that comply with FHAA and ADA. This clarifies how a reasonable accommodation is reviewed and removes such requests from consideration under procedures and criteria that do not fit the circumstances of the request. When the reasonable accommodation request does not qualify for administrative review, a review before an appointed body can be used. However, the same criteria for deciding the request must be used:

- Whether the person to be accommodated has a disability;
- Whether the modification requested is reasonably necessary to accommodate that disability; and
- Whether the modification would fundamentally and unreasonably alter the nature or purposes of the zoning ordinance. The burden is on the municipality to prove this would occur.

The International Building Code (IBC) allows appeal of decisions of the building official and decisions can be made based on “alternate equivalency” to meeting the IBC requirement. The building code does not tie the determination of an alternative to the physical characteristics of the property or building, making the standard appeal process

available to process requests for reasonable accommodation. Examples may include lower sink heights to accommodate a person in a wheelchair, or special positioning of grab bars to accommodate different types of disabilities.

9. Are public hearings required for exceptions to land use codes for disabled applicants but no hearing is required for all other applicants?

“Low impact institutional: residential-oriented” is a permitted use in all residential zone districts except the two mobile home zone districts, in all the downtown design districts, and in Tracts 1, 2, and 3, of the neighborhood conservation district. It is not allowed in any other districts except the historic preservation district where it requires a review through the special exception process. Multiple family also is processed as a special exception in this zone district, but single-family residential is a permitted use, with no special review beyond the requirements of the historic preservation zone district (HP). While the “low impact institutional: residential-oriented” is broadly defined to include a variety of group living situations which may or may not be for persons with disabilities, the special exception process in the HP District may conflict with FHAA when it is a residence for persons with disabilities. Since this use is permitted the same as single-family residential in all other residential zone districts (excepting the two zone districts for mobile homes) it is unclear why it would be treated differently in the historic preservation district. It should be noted that for the purposes of determining disparate treatment of persons with disabilities the comparison is to other single-family residential, not to how other groups in similar residential facilities are treated.

Urban Conservation Districts (UCD) are specific areas established by ordinance that set development regulations in addition to the underlying zone district. The regulations are specific to each UCD and may govern the use of land. Section 13650.4 states that “UCD regulations can supersede any provisions of the zoning code regulating “low impact institutional: residential-oriented” use.” The underlying zone district governs whether this use is permitted, how it is reviewed, and any special standards, not the UCD overlay. Note that in no case do the underlying zone districts subject to a UCD overlay establish special standards for “low impact institutional: residential-oriented” uses.

Also of note is that separate land use categories (use unit classification) are established for several specific types of residences. Contained in the “civic use classification,” these include domestic violence shelters, emergency shelters and feeding sites, and residential facilities for dependent and neglected children, among others (see Item #7). How these are considered under FHAA are nuanced based on length of stay and how the facility is operated. All three uses are allowed in all zoning districts with residential uses except Bricktown, two of the downtown design districts, and the historic preservation district. In all cases a special permit review is required. This necessitates a public notification and hearing process before two public bodies, the planning commission and the city council. Disparate treatment may occur if the comments of

decision-makers are discriminatory in nature or the final decision is made based on opinion rather than the criteria in the zoning code. In addition, special requirements that are substantially different than those for other similar residential structures (i.e., single-family) may trigger a claim of disparate treatment. Finally, it is unclear why such uses would be prohibited in the downtown and historic districts, which have strong access to neighborhood amenities.

10. Are mixed-uses allowed and is housing for persons with disabilities and other protected classes permitted where mixed-use is allowed?

Yes, a mix of commercial of residential and uses are allowed in all office and commercial zone districts and dwelling units above the ground floor are allowed in all industrial zone districts. However the land use categories that encompass housing for persons with disabilities are not allowed in all these zone districts. In those zone districts that allow mixed-use:

- “Congregate care housing and convalescent home” is a permitted use only in the C-CBD and all Downtown Design Districts and a conditional use in Tracts 2 and 3 of the Neighborhood Conservation District.
- “Low impact institutional: residential-oriented” is permitted only in the Downtown Design Districts and a conditional use in Tracts 1, 2 and 3 of the Neighborhood Conservation District. It is a special exception use in the Historic Preservation District.
- “Group Residential” is permitted only in C-CBD and three of the Downtown Design Districts.
- “Domestic Violence Shelters,” “Emergency Shelters,” and “Residential Facilities for Dependent and Neglected Children” are a special permit use in all zone districts except Bricktown, two of the Downtown Design Districts, and the Historic Preservation District.

It is unclear how a group of persons with disabilities who do not meet the definition of “family” would be classified, if such a group would be allowed in any zone district, and if so, how that determination is made.

The higher- and medium-density residential zone districts are described as allowing for conditional approval of limited non-residential uses with the intent to reduce dependence on the automobile and supporting population densities that support mass transportation. However none of the residential districts permit commercial uses such as retail sales (i.e., grocery stores) or offices (i.e., medical offices).

11. What types of residential land uses are allowed and what standards apply?

a. *Is there variety in allowed single-family and multi-family residential land uses?*

Yes, a range of housing types are allowed in all residential zone districts and a mix of uses are allowed in the office and commercial zone districts as well as the industrial zone districts. The residential unit classifications specify:

- Single-family residential, described as a single detached dwelling.
- Two-family residential, described as a duplex residence.
- Three- and four-family residential, described as a triplex or fourplex residence.
- Multiple-family residential, described as apartments, condominiums, and townhouses, and excludes “dwelling units and mixed uses” and “senior independent living.”
- Dwelling units and mixed use, described as a building with commercial or office uses and residential uses.
- Manufactured home residential, described as fabricated on or after July 13, 1994, assembled at the building site, and certified that complies with the Federal Manufactured Housing Construction and Safety Standards.
- Manufactured (mobile) home residential, described as a manufactured, detached, transportable single-family dwelling unit not meeting the single- and two-family structure requirements of the Building code.

The PUD process may allow for alternative housing types that are an option to address affordable housing. These include tiny homes, cottage housing, courtyard development, micro-homes, and cooperative housing.

A best practice is to incorporate residential unit classifications, zone districts, and site design requirements for the alternative housing types listed above. This minimizes delay in the approval process, reduces costs, and educates zoning and building officials and the entire community about these housing types and who it will serve.

b. *Do densities and development standards (lot size, height, etc.) support low- and middle-income housing options?*

Yes, densities and development standards support low- and middle-income housing—although improvements could be made.

Only single-family detached dwelling units are allowed in the five lowest density residential zone districts (AA, RA2, RA, R-1, and R-1ZI). Single-family dwelling units are permitted in all residential zone districts and buildings for two – four dwelling units are allowed in the medium- and higher-density residential zones. The two- and four-unit dwelling types are allowed at densities that could serve the “missing-middle” housing gap for low-middle-income households. A best practice is to allow flexibility for “gentle density” such as duplexes to triplexes, to accommodate demand for missing middle housing, promote economic integrate, and meet current preferences in housing. Some communities allow these densities if the units carry a level of affordability (e.g., 80-120% AMI to facilitate middle income ownership).

Infill development in some of these zones are allowed through a “manufactured home overlay district (MH).” The intent of this overlay district is to provide affordable infill housing in areas with little or no new construction. Manufactured homes meeting specific standards may be placed in all residential zone districts except AA, RA, Historic Preservation and Urban Conservation Districts. An area must request this overlay district and there may be opposition to it based on misperceptions about manufactured housing. A best practice is to allow manufactured housing in appropriate residential zone districts.

The R-3 zone district allows up to 17 dwelling units per gross acre and is the only zone that allows a three or four unit residential building and does not allow a “multi-family building.” Residential zone districts with both these unit types (R-3M, R-4M, and R-4) allow density between 19 and 34 dwelling units per gross acre. The R-3 zone may be the only zone district actively addressing the “missing-middle” housing market, but because the density in this zone goes as high as 17 dwelling units per acre, yet this level of density could have the effect of limiting true missing middle housing. Housing densities for these households are better targeted if a zone district with small lots and attached housing types is established with a density range of 8 – 12 dwelling units per acre and/or allows the gentle infill options recommended above. This is not to say that the existing zone districts and allowed housing types do not provide appropriate densities; instead, this statement reflects the tendency of developers to seek the greatest density or largest dwelling unit (i.e., the most units or the unit with the greatest return on investment) in order to maximize profit. When zone districts allow a broad range of densities, the middle-range, serving the lower- and middle-income household, may be squeezed out.

Multiple-family residential includes buildings with five or more dwellings, such as apartments, condominiums, and townhomes. This use is allowed in the higher density residential zone districts (R-3M, R-4M, and R-4), Neighborhood Business (NB), Central Business District (C-CBD), Bricktown, all Downtown Design Districts, and Tracts 2 – 5 of the Neighborhood Conservation District. In all these districts densities between 19 and 34 dwelling units per gross acre are allowed for multiple-family construction. The maximum height in most of these zone districts is 2-1/2 stories of 35 feet, which may constrain achieving the maximum allowed density. It may be difficult to supply the required parking at grade. This may result in parking underground or above ground with the dwelling units over a parking structure. This adds considerable cost to multiple-family construction, impacting the affordability of the dwelling units to both owners and renters. That said, if the city were to consider density bonuses to incentivize affordable housing, a below-market height cap is useful to ensure that developers take advantage of the opportunity.

The land use categories of “senior independent living” and “dwelling units and mixed use” are subject to the same development standards as multiple-family residential.

Manufactured home in a manufactured home subdivision (where the lots are owned by the home-owner), as allowed in the R-MH-1 zone district, requires a 5,000 square foot lot. Consideration for a process to allow smaller lot sizes may be merited to provide additional affordable housing options for this housing type. HUD guidance recommends a minimum lot size of 4,500 square feet and a maximum density of eight dwelling units/acre.

c. *Are accessory dwelling units (ADU) allowed?*

No. Accessory dwelling units are not defined in the zoning code and are not listed as a type of residential use. Section 12.100.1, Lot, area, yards, limits lots for single-, two-, three-, and four-family dwellings to one structure per lot except as allowed by the planned unit development process. It is unclear if ADUs would be permitted in a planned unit development. Typically two or more structures may be permitted in a PUD to allow different types of commercial or multi-family buildings on a single larger lot which is held in one ownership.

A manufactured home may be placed as a temporary second structure in certain zone districts for up to three years. This may be approved by the Board of Adjustment for a “medical hardship” through the special exception process. The occupant of the manufactured home must be the caregiver for the occupant of the primary residence on the lot and must be a relative by blood or marriage. While this provides a housing solution for persons who may be disabled or elderly, by allowing an option to remain in their own home, it is not a permanent housing option available to lower- and middle-income Oklahoma City households. In addition, restricting the caregiver to a person who is related by blood or marriage significantly reduces access to a caregiving option that is best suited to needs.

A best practice is to allow small second units, or accessory dwelling units, in existing single-family zone districts. Such units are smaller than the primary unit and may be internal to an existing single-family home, a detached or connected structure, or a second story on an existing accessory structure (e.g., garage). In some communities, ADUs are also permitted in two-family dwelling units and townhomes. The ADU offers an alternative housing type that may permit a household to age in place, make a home affordable to a family, and increase housing options for lower-income one and two-person households. Neighborhood concerns about the additional gentle density can be addressed by requiring that the owner renting the ADU live onsite and that ADUs not be used as vacation rentals.

d. *Is design review required for multi-family housing or group living?*

Design review is required in certain zone districts. Although design standards are useful in creating a desirable built environment, they can raise costs and may communicate exclusivity. As such, design standards should be reviewed frequently for such barriers and the committees reviewing design compliance must be aware of the potential negative impacts.

- Urban Design Overlay District, including the Asian District, Paseo, Capitol Hill, and property along NW 23rd St. corridor
- Historic Preservation District and Historic Landmark Overlay District
- Neighborhood Conservation District – (Tract 4G and restrictions on materials in all tracts)
- Bricktown Urban Design District
- Downtown Design District
- Scenic River Overlay Design District, with six subdistricts
- Stockyards City Development District
- Northeast Gateway Urban Conservation District requires review to “Multiple-family (four or more units) uses or districts” as well as commercial and institutional (total of 11 Urban Conservation Districts)

e. *Are there special site improvement standards for certain types of housing?*

No, there are no site improvement standards applicable to only certain types of housing. Special use standards apply to the following:

- Congregate care housing and convalescent home: Special setback requirements for off-street parking and loading spaces in certain zone districts when adjacent to specific residential zone districts.
- Domestic violence shelter, Emergency shelters and feeding sites, Residential facilities for dependent and neglected children, Forced detention or correction facilities, Residential facilities for drug or alcohol treatment centers, and Transitional mental health residential facilities: Program and staff details required in application, identification of other such facilities within one mile, consideration of “overconcentration” and decision made, in part, on “the differences or similarities in existing uses among these use units and the compatibility or incompatibility of such uses in the particular area.” (see Item #9)

Spacing requirements imposed on housing occupied by certain protected classes can be found to violate the FHAA. Spacing requirements should also be reviewed carefully to ensure that they do not in effect prohibit housing for certain protected classes. Furthermore, spacing requirements can be challenged on the basis that they lack scientific evidence or demonstrated public health

benefits. Considerations regarding overconcentration is a legitimate concern—yet one that needs to be balanced against the right of persons with disabilities and other protected classes to choose where they live.

12. Does the zoning code describe any areas as exclusive?

No areas are described as exclusive.

13. Are there restrictions for senior housing and if so, do the restrictions comply with Federal law on housing for older persons?

“Senior Independent Living” is a defined residential use unit. Since the definition does not include any age-specific requirements, there may be confusion regarding compliance with FHAA and the Housing for Older Persons Act (HOPA), which could be bolstered in the code.

The familial status protection prohibits exclusive communities of “adults only” that do not allow families with children. HOPA was enacted to allow an exemption to this protection for senior housing communities. To qualify for the exemption, 100 percent of the dwelling units in such communities must be for persons aged 62 or older. In addition communities may be exempt if 80 percent of the dwelling units are limited to at least one of the residents of the unit being aged 55 or older. The 55 or older communities must follow HUD’s age verification requirements and publish policies that shows the intent to operate as a “55 and over” community.

14. Is senior housing a specific land use and if so, is a special or conditional use permit required but is not required for single-family or multi-family residential uses?

“Senior Independent Living” is a residential use allowed by right in four zone districts: R-4M, R-4, C-2, and C-3. These are the only zone districts where this use is permitted. This use receives the same review process as single-family and multi-family uses in the R-4M and R-4 zones.

It should be noted that several other residential zone districts also allow the same single-family and multi-family dwelling units as in the two residential zone districts that support Senior Independent Living, but the other zone districts do not permit Senior Independent Living as a use (R-3, R-3M). The reason is unclear. Multiple-family residential is allowed as a conditional use in the C-3 zone district and not allowed in the C-2 zone, while Senior Independent Living is a permitted use in both these commercial zone districts. However, both these zones permit “dwelling units and mixed-use.”

15. Is a conditional or special use review permit required for housing for persons with disabilities but is not required for single-family or multi-family residential uses?

“Low impact institutional: residential-oriented” is a permitted use in all residential zone districts except the two mobile home zone districts, in all the downtown design districts, and in Tracts 1, 2, and 3, of the neighborhood conservation district. It is not

allowed in any other districts except the historic preservation district where it requires a review through the special exception process. Multiple family also is processed as a special exception in this zone district, but single-family residential is a permitted use, with no special review beyond the requirements of the historic preservation zone district. While “low impact institutional: residential-oriented” is broadly defined to include a variety of group living situations which may or may not be for persons with disabilities, there may be a conflict with FHAA when it is a residence for persons with disabilities. This use is permitted the same as single-family residential in all other residential zone districts (excepting the two zone districts for mobile homes) and it is unclear why it would be treated differently in the historic preservation district.

Since the code is silent on the number of persons that can reside in a “low-impact institutional: residential-oriented” facility, it is likely that a facility that does not meet the occupancy limit of five or fewer unrelated persons, set in the definition of “family,” is enforced. A single-family dwelling is defined as “a building designed for occupancy by one family.” This means that a “low-impact institutional: residential-oriented” for six or more persons, with or without a disability, is not allowed in any of the residential zone districts. There is no definition for a facility for six or more persons, making it unclear where such facilities could be located. The “group residential” category may where the six or more facility is placed, but this type of facility is only allowed in five zone districts, only one of which is residential in nature (R-4). While the definition does not limit “group residential” to persons with disabilities, and all groups fitting this use classification are subject to the same zone districts, the comparison is to how a facility for persons with disabilities is treated with regard to other residential uses, not how it is treated compared to other groups in the same land use classification.

Also of note is that separate land use categories (use unit classification) are established for domestic violence shelters, emergency shelters and feeding sites, and residential facilities for dependent and neglected children. How these are considered under FHAA are nuanced based on length of stay and how the facility is operated. All three uses are allowed in all zoning districts with residential uses except Bricktown, two of the downtown design districts, and the historic preservation district. In all cases a special permit is required. This necessitates a public notification and hearing process before two public bodies, the planning commission and the city council. Discriminatory treatment may occur if the comments of decision-makers are discriminatory in nature or the final decision is made based on opinion rather than the criteria in the zoning code. In addition, special requirements that are substantially different than those for other similar residential structures (i.e., single-family) may trigger a claim of disparate treatment.

16. Are there any references to fair housing or a statement about fair housing in the zoning code?

There are no references to FHAA. Section 25-39, Discrimination in housing, prohibits discrimination based on age, familial status, disability, race, color, sex, sexual orientation, gender identity, religion, creed, ancestry, or national origin in lending and real estate transactions.

17. Are there specific references to the accessibility requirements of FHAA or ADA in the development codes?

a. Are there minimum standards for handicap parking for multi-family housing?

Section 59-10650, Accessible Parking Space Requirements, establishes accessible parking space requirements based on the total number of required parking spaces. The accessible spaces must be provided for any commercial, industrial, and residential use that has a parking requirement established by the zoning code. The same accessible parking requirements are in the Building Code, and these reflect the ADA standards for minimum number of accessible parking stalls.

b. Are there standards for accessible routes (e.g., sidewalks and access through parking lots)?

Section 12100.2, Use and Structure Regulations, requires sidewalks along major and minor arterial streets in the case of new construction and when residential is converted to a more intense use. Sidewalks are to be constructed "in accordance with the Subchapter II of the American With Disabilities Act, 42 U.S.C. § 12131, et seq., as amended, and the regulations promulgated there under ("ADA')." Single-family residential lots fronting arterial public streets, used for residential purposes, are exempt from this requirement. Single-family and two-family lots platted prior to 2007, with frontage on an arterial, are also exempt.

Section 10600.4 Parking Lot Design, also requires internal pedestrian access ways, a minimum of five feet in width, be incorporated in parking lot design. Specific references to ADA requirements for surfacing materials and demarcating the pedestrian routes are included.

Other considerations. Somewhat unique to Oklahoma City is a state-enacted zone district known as the "Capitol-Medical Center Improvement and Zoning District" (CMC). Title 73 of the state statutes sets the boundary of this zone district and authorizes the Capitol-Medical Center Improvement and Zoning Commission to establish and enforce zoning and improvement regulations for the district. These regulations are based on a master plan for the area and are contained in administrative rules adopted by the CMC Commission. Although not responsible for the enactment nor the processing of land use and development permits in this zone district, the zoning regulations for this district are adopted by the City Council of the City of Oklahoma City for the purposes of enforcement (Oklahoma City Municipal Code, 2010 Section 59.7400-2). Code violations of this zone district are prosecuted in municipal court upon action by the CMC Commission.

Some zoning regulations are the same between the two codes, such as the definition of “family.” Where the regulations are similar, the concerns identified in the assessment of the Oklahoma City Zoning and Planning Code hold true for the CMC zone district. There are also some differences in the two sets of regulations regarding the range of land uses allowed and certain procedures. This means that group living facilities may be treated differently in the CMC zone district than the zone districts established by the Oklahoma City Zoning and Planning Code.

Examples of different land use categories for “special group residential housing” found in the CMC zone district that are not found in the Oklahoma City Zoning and Planning Code are:

- Drug treatment center or halfway house—defined as a temporary residence for persons recovering from treatment for chemical dependence, alcoholism, or psychological illness and no counseling or treatment is provided, excluding "halfway house or sober houses" as defined by the Americans with Disabilities Act;
- Group home, for temporary residency in independent sleeping and living quarters;
- Geriatric care center;
- Rehabilitation center;
- Intermediate care facility; and
- Juvenile treatment center, residential.

Group residential housing options not specifically listed as an allowed use in the CMC zone district would require a determination as to whether it meets the definition of one of the listed uses or needs a hearing to determine if it should be added as a land use category.

The most notable difference in procedures between the two sets of regulations is that the CMC zone district has a reasonable accommodation process while the Oklahoma City Municipal Code does not. Section 120:10-5-25, Reasonable accommodation permit, allows the owners or operators of a halfway house to seek a conditional use approval of this use “when such accommodation may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.” All halfway houses for persons with disabilities in a zone district with residential uses must be approved through the reasonable accommodation process, and this is different from the review processes and procedures that may be required in the zoning districts regulated by the Oklahoma City Zoning and Planning Code. Because the definition of “drug treatment center or halfway house” includes persons recovering from “psychological illness,” it is unclear how facilities for persons with mental disabilities may be treated. It should be noted that HUD guidance on the application of FHAA in land use laws states that:

“Although a group home for persons in recovery may commonly be called a “sober home,” the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes.”²

The reasonable accommodation process in the CMC district allows for equal treatment, although the use of the term “halfway house” in the reasonable accommodation process implies the process may be limited only to a group living situation meeting the definition for “drug treatment center or halfway house” in the CMC district regulations.

Also of note is that accessory dwelling units (ADUs) are allowed in the CMC zone district but are not allowed under the Oklahoma City Zoning and Planning Code. ADUs may be approved in the RD-1 and RD-2 residential districts through a conditional use permit. Such units may be occupied by no more than one person, constructed on the rear property line, and have a floor area of 50 percent or less of the main building on the parcel. ADUs are allowed only on property with owner-occupied homes. As noted previously, ADUs allow for infill development and help to increase affordable housing options in the community.

² Joint Statement of the Department of Housing and Urban Development and the Department of Justice, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, November 10, 2016

SECTION IV.

ACCESS TO OPPORTUNITY

SECTION IV.

Access to Opportunity

This section examines the extent to which members of protected classes experience disparities in access to opportunity measured by access to education, employment, and transportation. It also discusses challenges faced by persons with disabilities. The analysis is based on HUD opportunity indicators, interviews of stakeholders, findings from the resident and stakeholder focus groups.

Primary Findings

- Compared to other cities in the Oklahoma City region and Tulsa, African American and Hispanic residents in Oklahoma City are more likely to live in high poverty neighborhoods. In fact, Non-Hispanic White and Asian residents living below poverty in Oklahoma City have better access to low poverty neighborhoods than do African American and Hispanic residents overall. This is a factor of the concentration of many African American and Hispanic residents in a handful of high-poverty neighborhoods within the city.
- African American, Hispanic, and Native American children have lower access to high performing elementary schools relative to Non-Hispanic and Asian children. This is true for many cities in the region and for Tulsa. Only Edmond demonstrates high levels of proficiency for students across races and ethnicities and income levels.
- Oklahoma City offers equal access to jobs among races and ethnicities and income levels. Yet there is significant disparity in unemployment and educational attainment among residents, meaning that not all residents can benefit from city's labor market. Expanding employment access and opportunities for Hispanic, African American, and Native American residents would benefit these residents and the city overall.
- Residents and stakeholders who participated in focus groups about barriers in access to economic opportunity focused on inadequate transportation—especially public transit to serve persons with disabilities; needed accessibility improvements and more equitable distribution of quality parks; and equity in education.

HUD Opportunity Indicators

HUD provides several “opportunity indices” to assess and measure access to opportunity in a variety of areas, including education, poverty, transportation, and employment. The opportunity indices allow comparison of data indicators by race and ethnicity, for households below the poverty line, and among jurisdictions. They are also a good starting point for the opportunity analysis, identifying areas that should be examined in more detail.

The HUD opportunity tables—specifically the following six indices in the tables—were the starting point for this Access to Opportunity analysis.

To interpret these indices, use the following rule: a higher number is always a better outcome. The indices should be thought of as an “opportunity score”, rather than a percentage.

The indices include the:

- **Low Poverty Index.** This index measures neighborhood exposure to poverty, with proximity to low poverty areas considered to be an advantage. Higher index scores suggest better access to economically strong (i.e. low poverty) neighborhoods.
- **School Proficiency Index.** This index measures neighborhood access to elementary schools with high levels of academic proficiency within 1.5 miles. Proficiency is measured by 4th grade scores on state-administered math and science tests. HUD uses elementary school scores only for this index because they are typically more reflective of school quality and access at the neighborhood level. Middle and high schools draw from larger boundaries and, especially in high school, have more transportation options.
- **Labor Market Engagement Index.** This index measures the employability of neighborhood residents based on unemployment, labor force participation, and educational attainment. Higher index scores suggest residents are more engaged in the labor market.
- **Jobs Proximity Index.** The jobs proximity index indicates how close residents live to major employment centers. The higher the index, the greater the access to nearby employment centers for residents in the area.
- **Transit Index.** The transit index measures use of public transit by low income families that rent. The higher the index, the more likely that residents in the area are frequent users of public transportation.
- **Low Cost Transportation Index.** This index measures the cost of transportation, based on estimates of the transportation costs for low income families that rent. Higher index values suggest more affordable transportation.

Low poverty index. Figures IV-1a and IV-1b present the values of the low poverty index for Oklahoma City and comparative jurisdictions by race and ethnicity. The top figure shows the index for all residents, while the bottom figure is restricted to residents with incomes below the poverty level. Higher values mean better access to low poverty environments and, conversely, lower numbers mean residents are more likely to live in neighborhoods of concentrated poverty.

For residents overall, Oklahoma City shows the largest variance between Non-Hispanic White and Asian residents and African American and Hispanic residents. This is true even for residents living in poverty. The indices suggest that African American and Hispanic residents in Oklahoma City are more likely than comparable residents in other cities to live in high poverty neighborhoods.

Figure IV-1a. Low Poverty Index, Total Population

Note:
Higher numbers indicate greater access to low poverty neighborhoods.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Poverty Index.

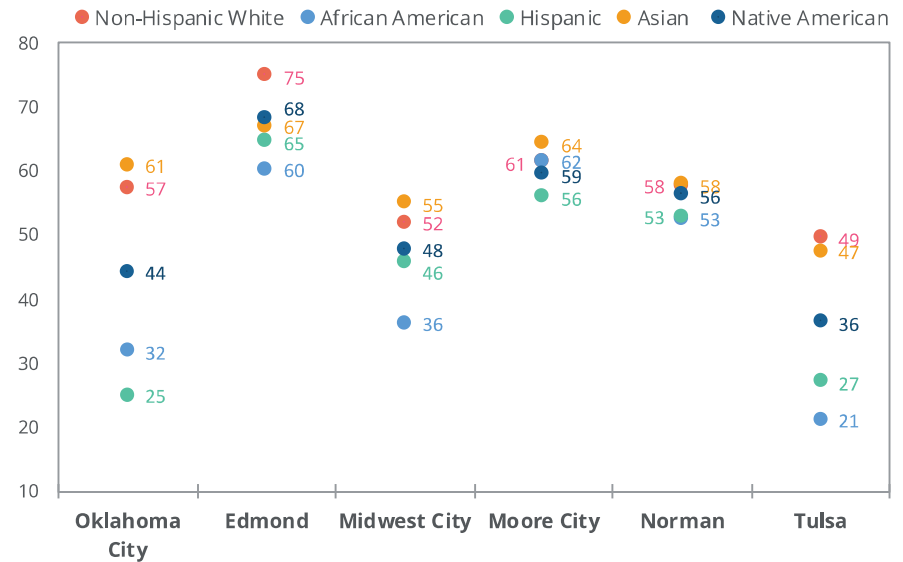
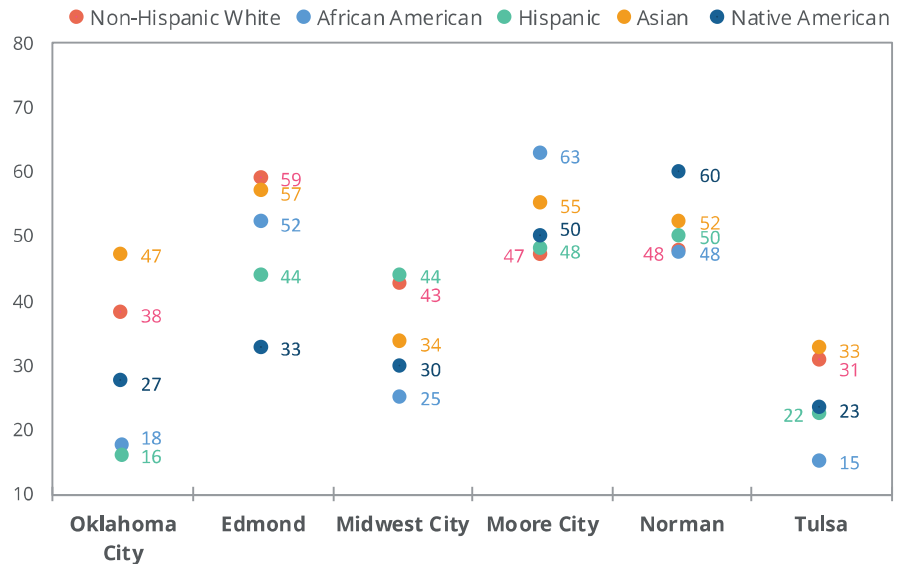


Figure IV-1b. Low Poverty Index, Population Below the Poverty Line

Note:
Higher numbers indicate greater access to low poverty neighborhoods.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Poverty Index.



School proficiency index.

Figures IV-2a and IV-2b present the values of the school proficiency index by race and ethnicity. Higher values mean better access to high-performing schools and lower numbers mean worse access.

Edmond stands out for having equal access to high-performing schools regardless of a child's race or poverty level. Oklahoma City shows a moderate variance to access by race and ethnicity, similar to Tulsa. Oklahoma City shows better access for African American children than Tulsa, particularly for children living in poverty. Access for Native American children is moderate in most communities, with Edmond being the exception.

Figure IV-2a. School Proficiency Index, Total Population

Note:
Higher scores indicate greater likelihood of access to proficient schools.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, School Proficiency Index.

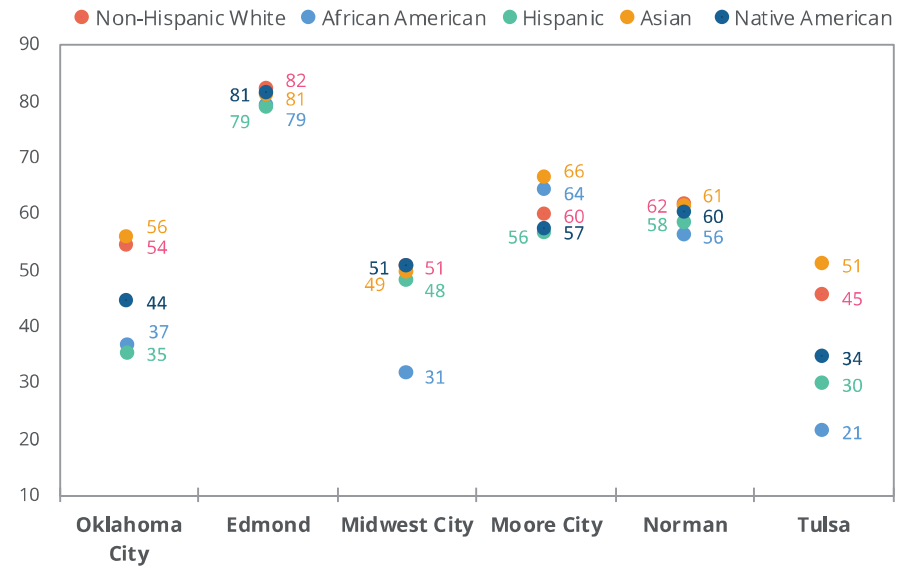
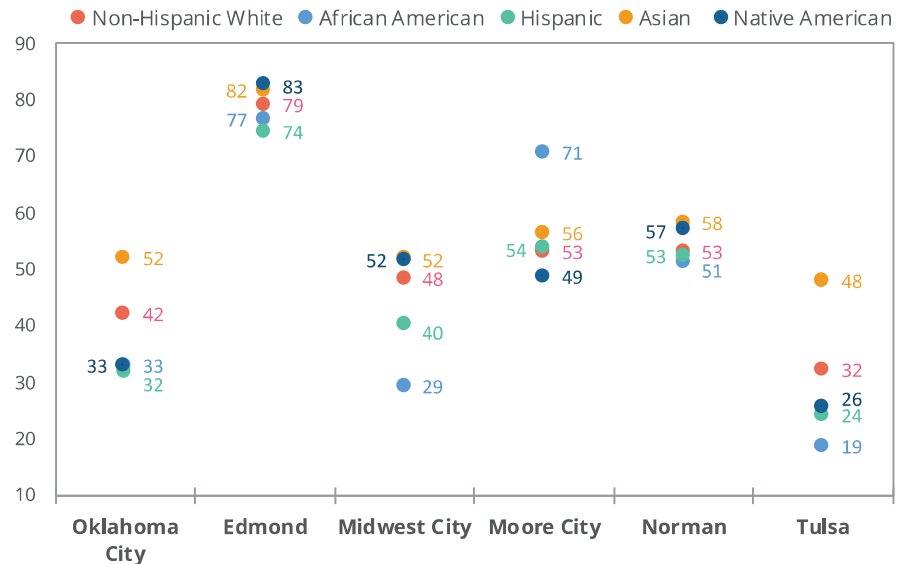


Figure IV-2b. School Proficiency Index, Population Below the Poverty Line

Note:
Higher scores indicate greater likelihood of access to proficient schools.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, School Proficiency Index.



Labor market engagement index. Figures IV-3a and IV-3b present the values of the labor market engagement index for each by race and ethnicity. Higher values indicate higher employability of residents.

Oklahoma City and Tulsa both stand out for their relatively low levels of labor market engagement for Hispanic residents. Oklahoma City has stronger labor market engagement for African American residents than Tulsa and is about the same as Midwest City.

For residents living in poverty, engagement is low in Oklahoma City and Tulsa. Midwest City, Moore City, and Norman show little variation by income. Edmond shows the largest shift in labor market engagement for residents in poverty. To the extent that residents occupy jobs in the communities in which they live, this indicator reflects opportunities within local job markets.

Figure IV-3a. Labor Market Engagement Index, Total Population

Note:
Higher numbers indicate greater levels of employability of residents.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Labor Market Engagement Index

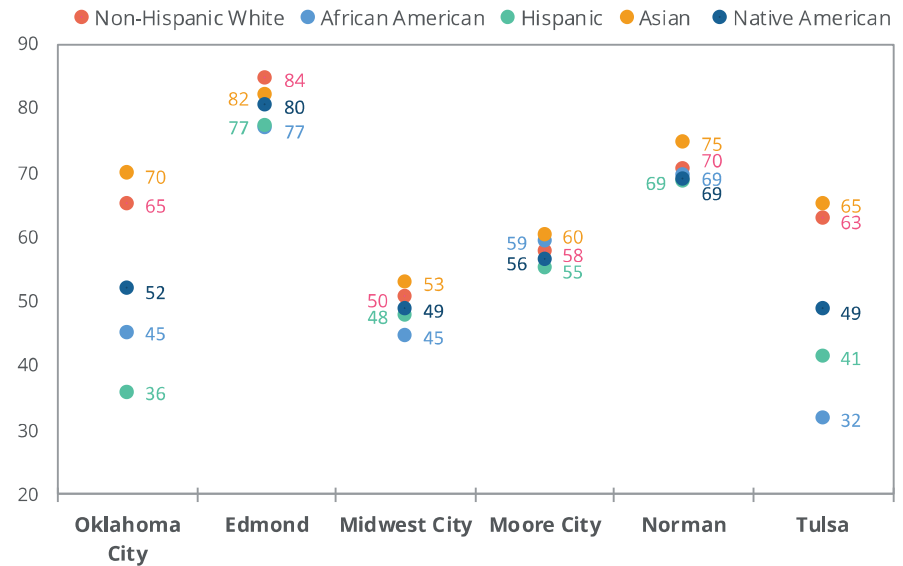
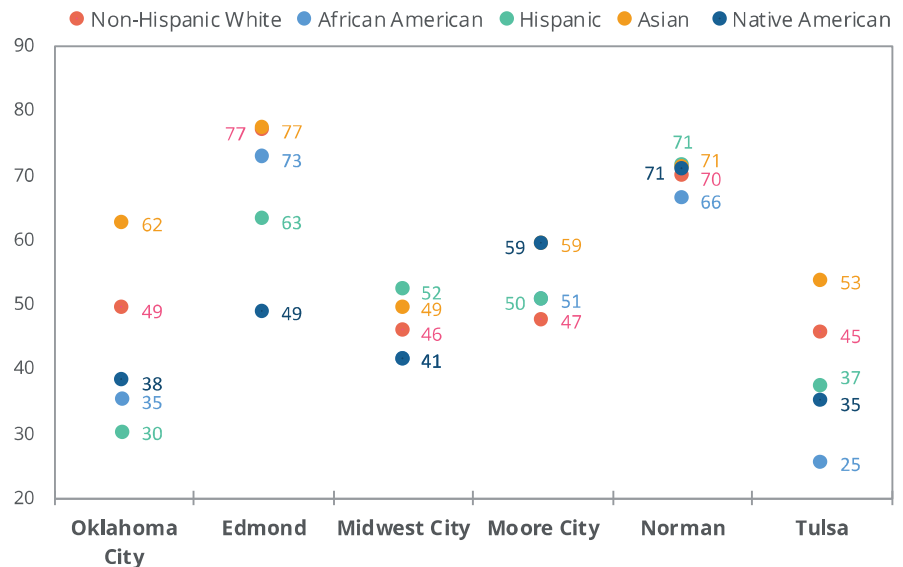


Figure IV-3b. Labor Market Engagement Index, Population Below the Poverty Line

Note:
Higher numbers indicate greater levels of employability of residents.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Labor Market Engagement Index



Job proximity index.

Figures IV-4a and IV-4b present the values of the job proximity index for each jurisdiction by race and ethnicity.

This is the only indicator where the results differ dramatically between all residents and residents living in poverty. For all residents, proximity to jobs is moderate and differs little by race and ethnicity (with two exceptions).

Oklahoma City offers equal access to jobs, both among races and ethnicities and between all residents and residents living in poverty.

Edmond scores highest on access to jobs for Hispanic and African American residents living in poverty. Midwest City, Moore City, and Normal show more variation for residents in poverty, while Tulsa shows little change.

Figure IV-4a. Job Proximity Index, Total Population

Note:
The higher the index, the greater the access to nearby employment centers for residents in the area.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Job Proximity Index.

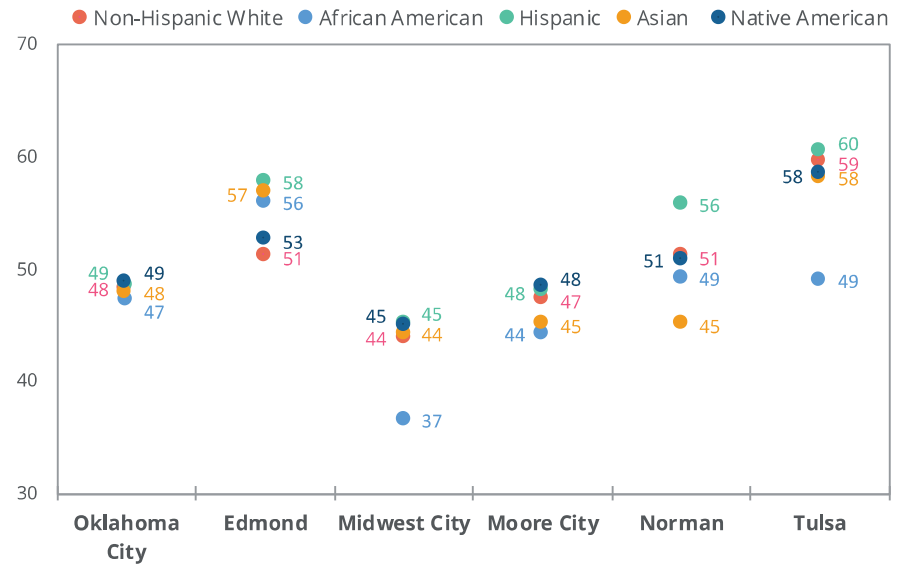
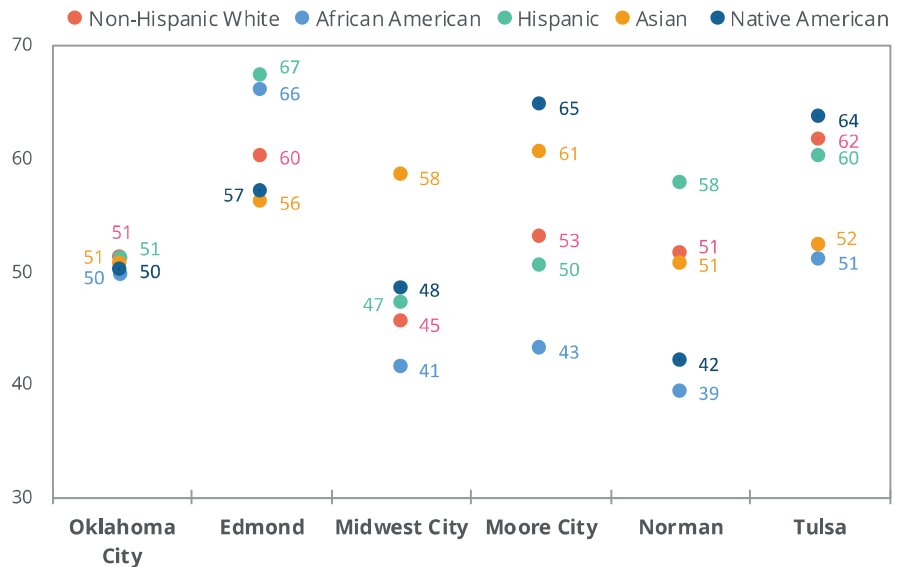


Figure IV-4b. Job Proximity Index, Population Below the Poverty Line

Note:
The higher the index, the greater the access to nearby employment centers for residents in the area.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Job Proximity Index.



Transit index. Figures IV-5a and IV-5b present the values of the transit index for each jurisdiction by race and ethnicity.

The indicators suggests no meaningful differences by race or ethnicity within the jurisdictions. Tulsa has the best access to transit of any of the jurisdictions yet the overall score is still low—less than 40 on a scale of 0 to 100.

Figure IV-5a. Transit Index, Total Population

Note:
The higher the index, the more likely that residents in the area are frequent users of public transportation.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Transit Index.

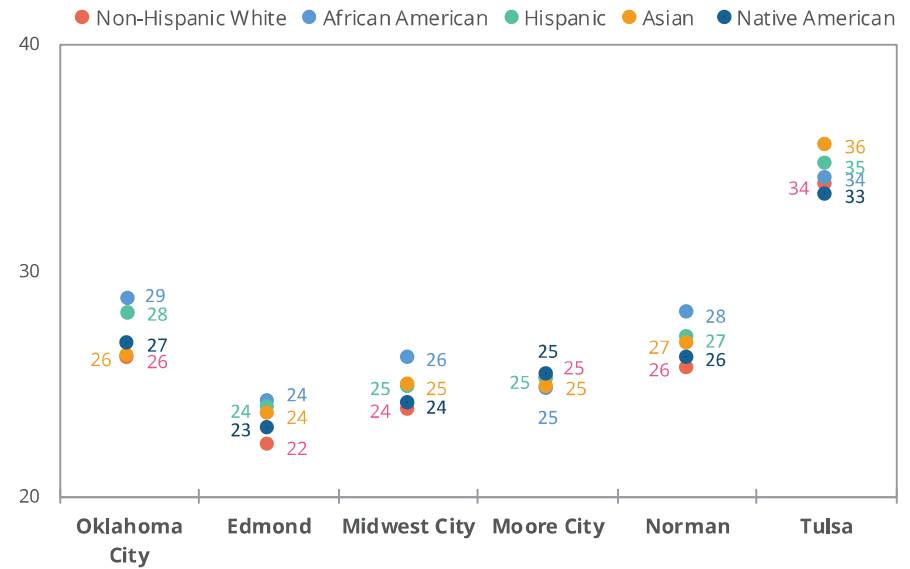
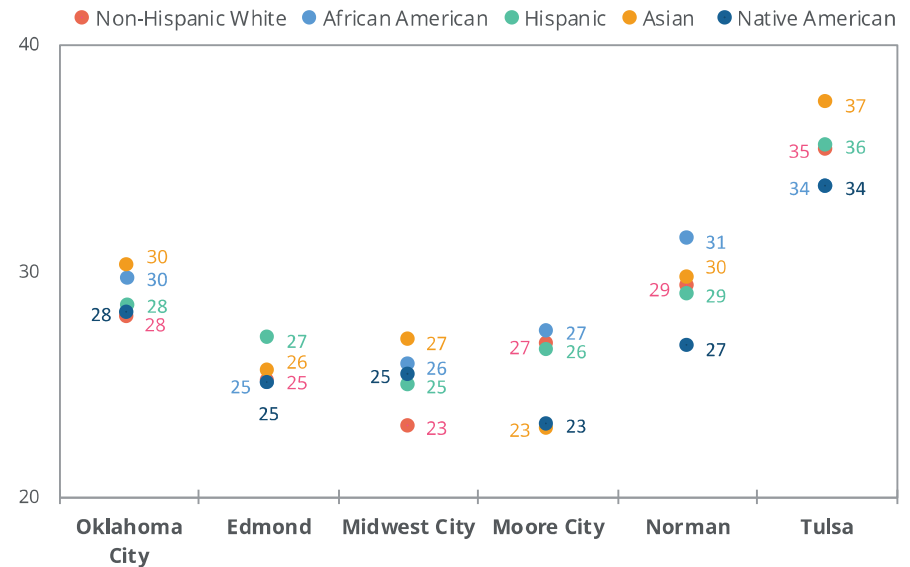


Figure IV-5b. Transit Index, Population Below the Poverty Line

Note:
The higher the index, the more likely that residents in the area are frequent users of public transportation.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Transit Index.



Low cost transportation index. Figures IV-6a and 6b present the values of the low cost transportation index.

There is little variation among communities, among racial and ethnic groups, and among all residents and those living below the poverty level. In general, transportation is moderately affordable for residents in the region regardless of where they live or their income level.

Figure IV-6a. Low Cost Transportation Index, Total Population

Note:
Higher index values suggest more affordable transportation.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Cost Transportation Index.

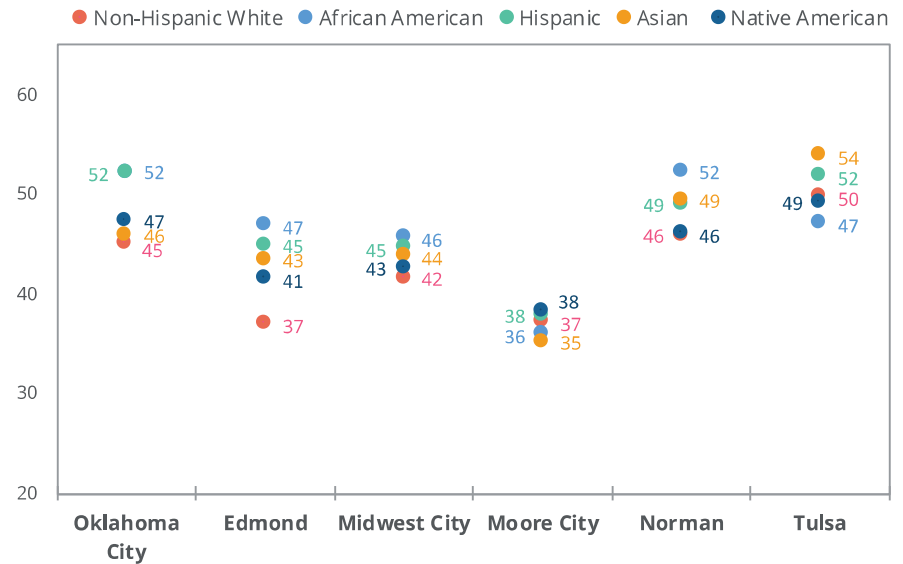
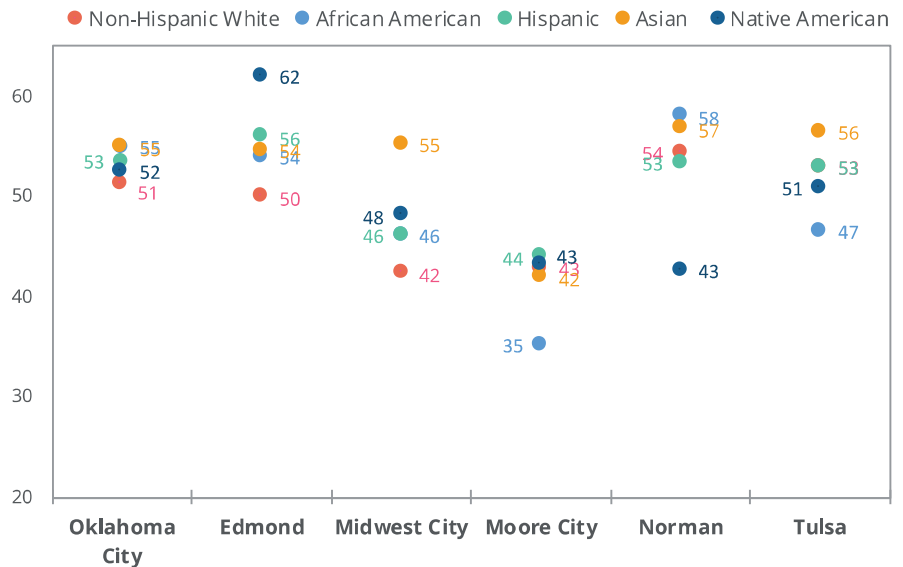


Figure IV-6b. Low Cost Transportation Index, Population Below the Poverty Line

Note:
Higher index values suggest more affordable transportation.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Cost Transportation Index.



Resident and Stakeholder Perspectives

The balance of this section discusses access to opportunity from the perspective of the residents and stakeholders who participated in focus groups for the AI. The focus groups reveal barriers that cannot be found in the data indicators. They are also useful to understand how typically under-represented groups view equity within the city. These perspectives are organized by access to opportunity topic.

Education. At the time this AI was prepared, Oklahoma City schools was in the process of implementing its “Pathway to Greatness” or P2G. Since enrollment peaked at nearly 80,000 students in the mid-1960s, Oklahoma City school enrollment has fluctuated around 40,000 students and has been trending downward since 2014. Racially and ethnically, a little more than half of children in the district are Hispanic, 22 percent are African American, 14 percent are Non-Hispanic White, and 5 percent are multi-racial. Students in the district move frequently, with less than 60 percent enrolled during the entire school year. Three quarters of students qualify for free and reduced lunch programs.

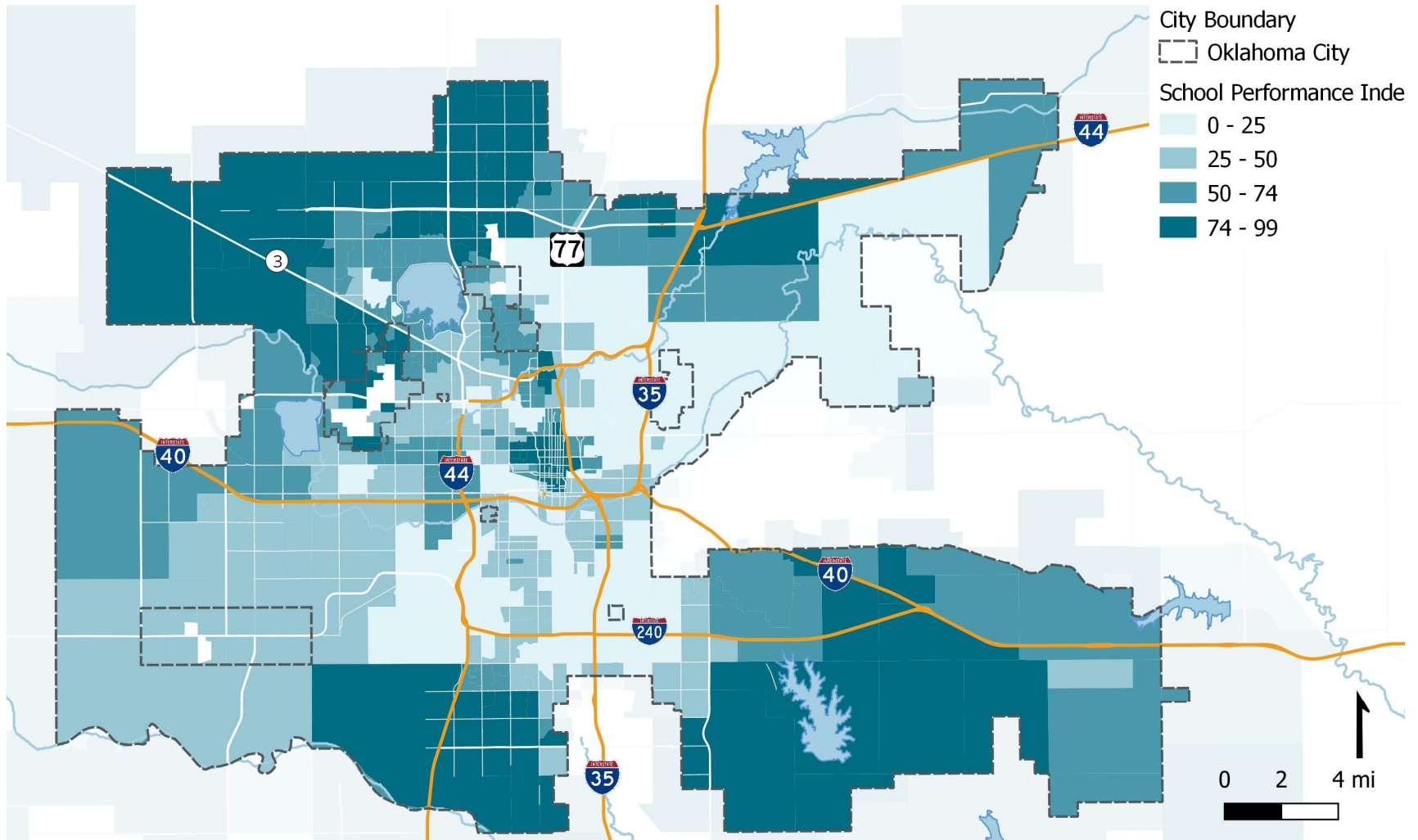
P2G is an ambitious plan that required closing schools, relocating schools, and reconfiguring existing schools. As reported in the Black Wall Street Times, before P2G, the Oklahoma City school district served more than 40,000 students among 79 schools. That means that there is an average of 506 students attending each school. In contrast, the high-performing Edmond Public Schools services 23,966 students in a total of 25 schools, with an average of 958 students per school.¹ Consolidating schools should improve academic and enrichment offerings and align the district’s budget with the core components of academic success—instruction rather than building maintenance.

These changes are being implemented throughout the city according to a map in P2G, with many school closures and relocations in the central portion of the city, and new middle schools in the south. Although some of these areas align with Hispanic and African American concentrations and R/ECAPs, the impact is broader than those areas and more closely correlated with school performance.

Figure IV-7 shows differences in access to high performing schools at the elementary school level, according to the HUD school proficiency index.

¹ “Why school closings in OKCPS may be a step toward equity,” Autumn Brown, December 27, 2019.

Figure IV-7.
Access to High Performing Schools by Census Block Group



Source: HUD AFFH Raw Data, February 2018.

It is too early to tell how P2G will address the inequities in access to high proficiency schools discussed earlier in this section. A mid-January 2020 update from the district reports positive progress in utilization, better student-teacher ratios, lower class sizes, and expanded sports, arts, and STEM programming.

Some residents expressed concern about the plan, mostly about schools being closed in the northeast and the lack of grassroots engagement for the plan. Residents would have liked more transparency about the decision to close schools. Residents also felt that the district events about P2G should have been more intentional in places where neighbors gather—e.g., after church services.

Residents perceive inequities in resources among the city's schools, with lower income schools the most under-resourced. Some questioned the process for deciding how voter-approved funding (MAPS) is allocated and perceive that schools in the northeast never seem to benefit from increased funding.

General community amenities. When asked about equal distribution of community amenities in the city, residents identified several areas where they feel neighborhoods in the northeast and the south are underserved:

- Lack of safe and quality recreation opportunities (pool, gym, parks) and grocery stores in the northeast.
- Lack of grocery stores and gas stations in Capitol Hill.
- Neighborhoods in the south never had the same quality of parks or other amenities as found in other parts of the city.
- There is a general perception that residents living south of the river are not part of OKC; the city has historically ignored the neighborhood and now the neighborhood is cut off from new amenities (the example provided is the sidewalk path of Scissor Tail Park which ends before a neighborhood that is largely Hispanic).

Some residents attribute these differences in amenities to lack of representation by leadership and access to leadership. One resident mentioned frustration that City Council meetings are on Tuesdays at 8:30 a.m., making it difficult for working residents to attend. Important planning meetings held on Wednesday evenings when most of the Black community is at church. There is also a perception that board members of Community Housing and Development Organizations (CHDOs) are not true representatives of neighborhoods and are instead “friends of power brokers.”

Transportation. Lack of reliable and accessible transportation, particularly for persons with disabilities, was frequently raised as an access to opportunity barrier.

- Many residents said they do not use the bus because it is unreliable: *“It can take an hour to reach a destination that’s a 10 minute drive.”*
- Many stops are not accessible to people with mobility disabilities.

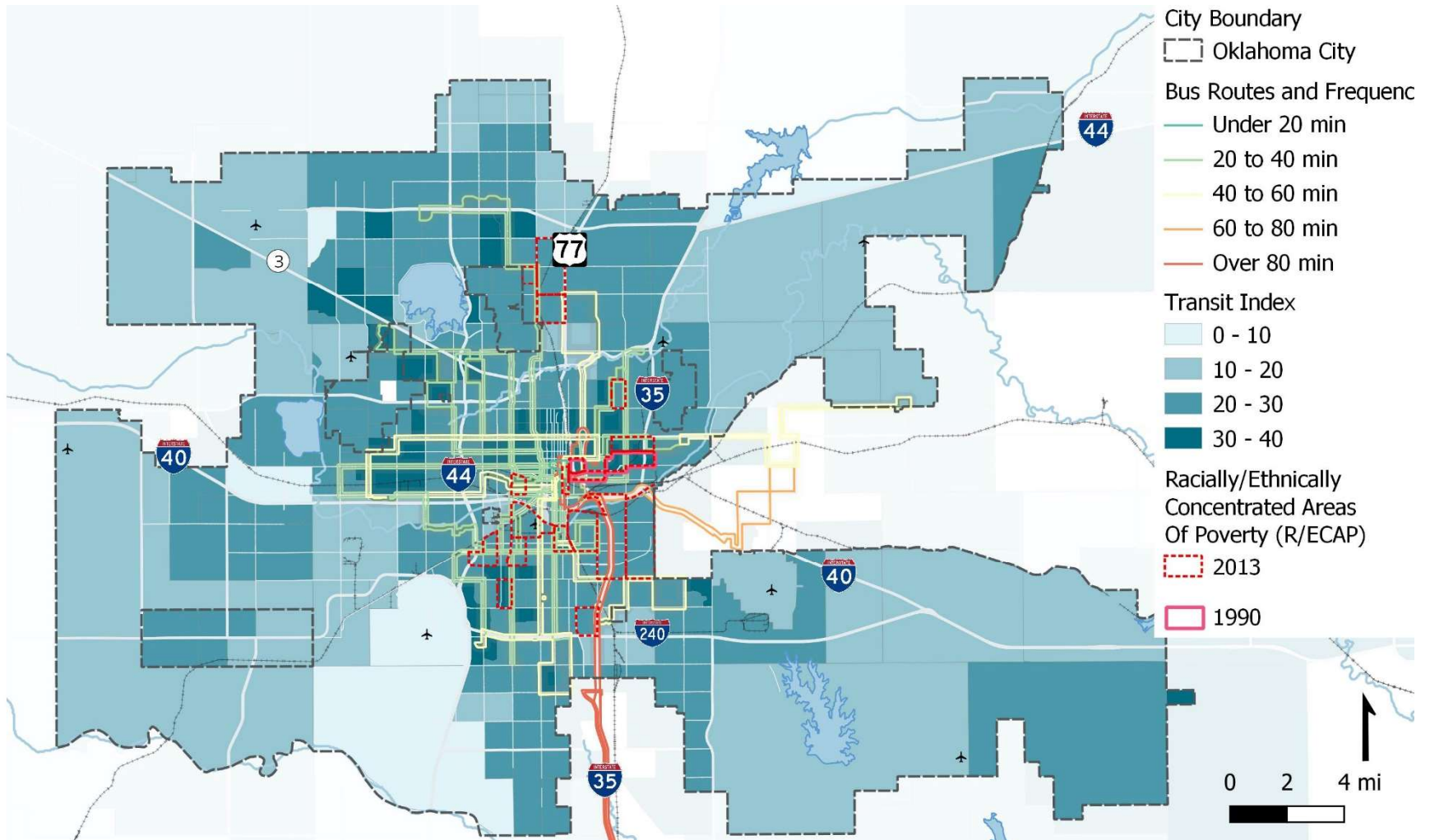
- There are no shelters for shade or protection from the elements.

The Center for Neighborhood Technology (CNT) measures gaps in transit connectivity, access, and frequency. CNT analyzes data on station, stop, and frequency data for bus, rail and ferry service for areas with populations greater than 100,000, as well as some subareas.

According to CNT data, 42 percent of households in Oklahoma City are underserved by transit. Geographically, the CNT-identified underserved areas are clustered in the east and northeast, north of downtown, and in suburban neighborhoods to the west. Much of the southern part of the city is adequately served by transit.

Figure IV-8 shows the frequency of buses in 20 minute increments, overlaid with R/ECAPs. The map is generally consistent with the CNT findings in that it shows that frequent transit is more limited in the northeast, east, southeast, and southwest—particularly in the more suburban areas of the city.

Figure IV-8.
Transit Frequency and R/ECAPs



Source: EMBARK General Transit Feed Specification data and posted frequencies.

Access for persons with disabilities. Many residents complimented the city for its persistent work on repairing sidewalks and streets and public facilities. Stakeholders reported that many areas of the city that draw visitors are accessible, making residents with disabilities feel very welcome. The exception is some parks and older neighborhoods, whose infrastructure can be challenging.

Where improvements need to be made to address barriers for persons with disabilities, they are mostly in housing and transportation. These include:

- A significant lack of accessible housing for very low income people with disabilities (0-30% AMI, equivalent to SSI income).
- Lack of proper building inspection by the city to ensure compliance with Fair Housing Act requirements for new construction and design—both for market rate multifamily units and units with federal funds. Some stakeholders noted that units may meet Fair Housing Act requirements on paper (plans), but not as constructed. City compliance audits should occur throughout the building process.
- Group homes have a lot of staff turnover, which is very hard on consumers.
- Many residents said there is a lack of access to parks for persons with disabilities, due to location and design.
 - *“I really wish there were a park closer to my house I could go to.”*
 - *“The zoo is accessible, but it is very hilly!”*
 - *“My wheelchair is very heavy and sometimes gets stuck in the mud. I really wish there were a park with swings I could use with a flat surface underneath”*
- Inadequate transportation for persons with disabilities was a common theme for residents. Most agreed that there is essentially no functional paratransit in the city for people with heavy powerchairs. Paratransit is also expensive at \$3.50 for a one way trip.
- The Oklahoma Foundation for the Disabled supplements transportation to fill gaps in provision—but they are significantly under-reimbursed. They serve 60 people *per day* and receive reimbursement of \$35 *per person per month*.
- Discrimination by the public at large still exists and is a problem in the city and statewide.
 - *“People with disabilities are ‘the forgotten ones.’ People at the Capitol don’t think about this world.”*

SECTION V.

IMPEDIMENTS AND FAIR HOUSING ACTION PLAN

SECTION V.

Impediments and Fair Housing Action Plan

The city of Oklahoma City, as a recipient of federal housing and community development funds, is required to take actions to reduce barriers to fair housing choice. This document—the city’s updated Analysis of Impediments to Fair Housing Choice, or AI—identifies the primary impediments to fair housing choice and recommends a five-year action plan to reduce barriers. It addresses both barriers to housing choice and access to opportunity, as economic factors play a significant role in attaining housing.

Community Engagement

The community engagement activities that supported the development of the AI and identification of impediments included:

- Three focus groups with private and public affordable housing developers and social service providers and case managers;
- Interviews with housing providers, including those serving extremely low income residents and persons experiencing homelessness, as well as civil rights and housing advocates;
- Focus groups with residents most vulnerable to housing discrimination and impediments to housing choice. These included residents of Hispanic descent living in the southern part of the city (8 participants), African Americans living in the northeast (4 participants), and residents with developmental disabilities and staff (9 total).

Past Impediments to Fair Housing Choice

The city’s last Analysis of Impediments to Fair Housing Choice (AI) was completed in 2014. That AI found the following barriers to housing choice. Those barriers that were also identified in this AI update are noted:

Impediment: More frequent denial of home purchase loans to Black, Hispanic, and female applicants, based on a review of home purchase loan data collected under the Home Mortgage Disclosure Act (HMDA). The analysis also found higher loan denials in areas with high concentrations of Black and Hispanic residents.

This impediment remains, particularly for African Americans even after adjusting for income.

Recommended actions to address: Enhance outreach and education to first time homebuyers and track the number of homebuyer education and training sessions offered. This should include financial literacy training.

Impediment: Predatory style lending —as defined by high interest loans—falls more heavily on Black and Hispanic borrowers and neighborhoods in which they are concentrated.

This impediment remains: Hispanic borrowers received subprime rates on mortgage loans 21 percent of the time; African Americans, 13 percent of the time v. 7 percent of the time for all applicants. Stakeholders report that predatory rental and loan practices are on the rise with the tightening of the ownership market.

Recommended actions to address: Improve resident understanding of the attributes of predatory lending, and discourage borrowers from utilizing predatory lending. Publish information regarding predatory style lending on the city website, including how to identify such loans, inclusion of this information in homebuyer education and credit counseling sessions, number of such sessions held and record of participation. Reach out to local bankers and solicit their input on methods to make consumers better aware of the attributes of such loans.

Impediment: Discriminatory terms, conditions, privileges, or facilities relating to rental; refusal to rent as evidenced in housing complaints submitted to HUD and the Metropolitan Fair Housing Council by Oklahoma City residents.

This impediment remains, although complaints have declined as residents have become more fearful of the consequences of filing (e.g., eviction by landlords).

Recommended actions to address: Enhance outreach and education to renters and housing providers.

Impediment: Failure to make reasonable accommodations and neighborhood opposition to group homes, as evidenced in fair housing complaints and reported by stakeholders.

Failure to make reasonable accommodations remain, as evidenced by fair housing complaints and cases. Although NIMBYism against group homes was not found in this AI, the city's zoning code could be modified to better clarify allowance of group homes by zoning district.

Recommended actions to address:

- Conduct audit tests of new market rate construction, and publish the results of such testing
- Conduct outreach and education for providers of multifamily housing
- Encourage developers and builders of housing to attend fair housing training sessions that include reasonable accommodations

Impediment: Lack of understanding of fair housing laws by residents, based on the survey conducted for the AI.

This impediment remains.

Recommended actions to address:

- Engage parties for co-sponsoring events in April during Fair Housing Month
- Conduct educational training sessions for consumers, providers of housing, and program management staff
- Add selection criteria to assisted housing location proposals that give credit to developers and others who have attended fair housing trainings
- Conduct educational training sessions for consumers, providers of housing, and program management staff
- Promote and distribute fair housing flyers

Impediment: Concentration of subsidized and assisted housing in areas with high concentrations of minority residents and households in poverty.

Although public housing is concentrated in some neighborhoods, overall, publicly subsidized housing and particularly Housing Choice Vouchers, are relatively well dispersed citywide.

Recommended actions to address:

- Add selection criteria to assisted housing location proposals that give credit to considering the racial, ethnic, and income characteristics of the neighborhood in which the housing facility is to be placed
- Review planning and zoning ordinances to allow for the greater geographic distribution of such multi-family units or affordable housing units

Impediment: NIMBYism prevents developments of group homes and apartment complexes.

Although NIMBYism against group homes was not found in this AI, the city's zoning code could be modified to better clarify allowance of group homes by zoning district.

Recommended actions to address:

- Consider methods to overcome NIMBYism
- Enhance understanding for affordable housing in alternative locations through outreach and education
- Prepare case studies that highlight the benefits of affordable housing development intermixed with other land uses
- Convene a work group to address which zoning codes represent barriers in some areas, determine which zoning codes those represent, and where, and assess policies or practices to eliminate or modify the codes so that such impacts are lessened or eliminated

Impediment: Lack of adequate public transit in the city, based on stakeholder input.

This impediment remains.

Recommended actions to address:

- Determine which transit routes need to be modified or created
- Solicit input from the affected public on ways to improve the overall transit system
- Solicit input from the transit agency to better understand the institutional reasoning of why some of the suggested options may not be feasible

Impediment. Insufficient fair housing protections in city anti-discrimination law. The statute does not provide for protections from discrimination in the housing market based on disability or familial status. As well, it has not kept pace with State Law, since State Law has protections for age.

No longer an impediment.

Recommended actions to address: City Council pass legislation recognizing disability, familial status, and age as protected classes under Oklahoma City law.

City Progress in Addressing Impediments

Oklahoma City describes its efforts to address barriers annually in its HUD-required Consolidated Annual Performance and Evaluation Report, or CAPER. The city's CAPER is an excellent source of information on efforts to mitigate barriers.

The city partners with the Metropolitan Fair Housing Council (MFHC) to carry out much of its fair housing action plan. The Council has been instrumental in fulfilling many of the 2014 AI fair housing action items, most of which focus on education and outreach. The city has funded the Council to:

- Conduct educational seminars and trainings for first-time homebuyers, public and private housing providers, and faith-based housing providers;
- Monitor and investigate fair housing discrimination complaints; and
- Proceed with legal action when needed, settle complaints, and/or seek damages.

City staff also conduct outreach and education activities, including:

- Hosting housing and legal workshops;
- Using social media to broaden awareness and understanding of fair housing;
- Working with neighborhood groups to provide fair housing education and outreach.

The city has updated its fair housing ordinance to include the protected classes of age, disability, and familial status, in addition to sexual orientation and gender identity.

To address zoning concerns, the city hired a consulting firm to review the city's code. The overhaul of the entire code will continue through 2021 and will include movement to a form-based approach that will allow multifamily housing in more areas of the city, as well as modifications to requirements that raise housing costs.

In September 2017, the city passed a municipal bond that will, in part, add more sidewalks and advance the public transit system. The city's General Obligation Limited Tax Bonds (GOLT) included a \$10 million set aside for affordable housing that will facilitate development of housing near employment, transit, quality schools, and grocery stores for households earning less than 80 percent of the Area Median Income. The joint resolution adopting the allocation limits annual allocations to \$1 million.

Despite these efforts, impediments to housing choice and economic opportunity continue to exist. Decades of exclusionary policies at the federal, state, and local level limited the ability of many racial and ethnic minorities, people with disabilities, women, and non-traditional households from exercising housing choices and building wealth. The effects of these policies are challenging to reverse—yet, as demonstrated by many of the indicators in this AI, and the above discussion, progress is being made within Oklahoma City.

Six priority areas for 2020-2024. The areas where the city should continue to work to break down barriers to housing choice and economic opportunity include:

- **Expand affordable rental housing options** for extremely low income residents who are most vulnerable to discrimination, evictions, displacement, severe cost burden, and homelessness. These residents are disproportionately likely to be racial and ethnic minorities, women/single mothers, persons with disabilities, and persons with mental illness challenges;
- **Improve resident and landlord understanding of fair housing rights** and responsibilities, as well as good tenant and good landlord practices;
- **Narrow the gap in mortgage loan denials and subprime loans** among minority residents, improving low homeownership rates, and combatting predatory lending activity. Work with partners to narrow the gap in mortgage loan denials and subprime loans among minority residents through education and outreach activities that combat predatory lending and expand alternative ownership products (e.g., attached and land trust products).
- **Mitigate displacement** as part of urban renewal and revitalization efforts. Some residents and stakeholders view urban renewal activity as a threat to affordable housing and neighborhoods that have historically housed people of color. The city should be proactive with future urban renewal activities to ensure urban renewal does not result in displacement of low income residents, residents of color, and cultural enclaves;
- **Address gaps in economic opportunity** by lowering concentrated poverty and improving access of African American and Hispanic children to high quality schools; and
- **Improve access to public transit and parks** for underserved areas and residents, including persons with disabilities.

MAPS 4 and fair housing. The recently approved MAPS 4 initiative will be instrumental in addressing barriers. Many MAPS 4 priorities—e.g., developing 500 new ADA-accessible bus shelters—will address some of the barriers identified in this report.

Implementation of MAPS 4 should be viewed through an equity lens and consider the barriers identified in this study. For example, the \$87 million in funds to transform the public transit system should prioritize expanding access to low income households and families and improve the effectiveness of para- and accessible transit. Similarly, investments in sidewalks and placemaking should improve equitable distribution of parks and trails, including accessibility improvements, and yet be mindful of the risk of stimulating market investment that leads to gentrification.

Current Impediments and Fair Housing Action Items

This section details the current impediments to fair housing choice and outlines a recommended set of action items to address the impediments.

Impediment No. 1—Homeownership barriers.

African American, Hispanic, and Native American households find it more difficult to access credit to purchase homes, refinance existing mortgage loans, and/or improve their homes. African American borrowers face high denials even after adjusting for income levels, and Hispanic borrowers are more likely to get high-rate loans. These practices not only have the effect of limiting homeownership opportunities, they also negatively affect housing conditions in certain neighborhoods and perpetuate inequities caused by historic discrimination.

As the city's market has improved, speculative purchases have raised the cost of entry-level ownership housing and property taxes.

Action steps:

- Monitor HMDA data on mortgage loan denials and subprime lending activity including the disproportionate impact on minority borrowers. Fund education and outreach to teach vulnerable residents how to avoid predatory lending, rent to own scams, and high-risk loans.
- Eliminate rezoning requirements for homeownership developments and land trust communities that add affordable products through gentle infill.
- Integrate land trusts into redevelopment activities to mitigate resident displacement and expand affordable homeownership options. While several land trust models exist nationally, the common element is that the land trust retains ownership of the land, thus buying down the cost of homeownership by taking expensive land values out of the equation. The Lowry neighborhood in Denver, a major urban redevelopment/urban infill project, integrated land trust homes into the new neighborhood to expand homeownership across the income spectrum.¹
- Fast track approval of affordable housing developments. Waive, discount, or defer fees for affordable housing, with greater discounts for deeper levels of affordability. Consider exempting affordable units from property taxes.

¹ <https://coloradoctl.org>

- Ensure that city-funded rental and ownership developments built in high opportunity areas exercise affirmative marketing to encourage applications from racial and ethnic minorities living in areas of concentrated poverty.

Impediment No. 2—Discrimination in rental transactions and lack of affordable rental and accessible housing.

The city's shortage of affordable rental options disproportionately affects residents with low incomes who include racial and ethnic minorities, single mothers, residents with disabilities, residents with mental health challenges, and residents with substance abuse challenges. These residents are very vulnerable to being denied housing, being evicted, facing challenges finding housing near quality schools, facing challenges finding accessible and affordable housing, and falling into homelessness—all of which are outcomes that negatively affect the public sector.

Action steps:

- Prioritize city funding to greatly expand the number of affordable housing units with supportive services to serve households who are most vulnerable to discrimination, evictions, and homelessness.
- Fund nonprofit legal representation for renters in the process of eviction to negotiate solutions other than eviction and avoid homelessness. Connect city code enforcement officers with nonprofit legal representation to help negotiate improvements to rental properties without eviction threats.
- Improve the city inspection process for accessibility requirements of the Fair Housing Act to ensure that developers are creating accessible units.
- Consider funding a local program similar to that in Reno, Nevada (administered by Silver State Fair Housing) in which developers are notified of their accessibility requirements at the permitting stage and are regularly inspected during construction.
- Fast track approval of affordable housing developments. Waive, discount, or defer fees for affordable housing, with greater discounts for deeper levels of affordability. Consider exempting affordable units from property taxes.
- Ensure that city-funded rental and ownership developments built in high opportunity areas exercise affirmative marketing to encourage applications from racial and ethnic minorities living in areas of concentrated poverty.

Impediment No. 3—Lack of understanding of fair housing laws and good tenant practices by residents and fair housing compliance by landlords.

Residents are increasingly reluctant to report fair housing violations for fear of losing their housing and facing retaliation. Fair housing complaints and cases processed by the

Metropolitan Fair Housing Council demonstrate a continued need to enhance tenant and landlord fair housing awareness and enforce fair housing laws.

Action steps:

- Continue the commitment to fund the Metropolitan Fair Housing Council to assist residents with fair housing complaints and to conduct fair housing education and training.
- Include fair housing and general housing services on the city's website, including links to the Metropolitan Fair Housing Council's webpage and Legal AidOK. A current search for "fair housing" on the city's homepage returned no fair housing information.
- Ensure that outreach and educational announcements are positioned in newspapers and social media sites that are visited and viewed by vulnerable residents. Continue working with neighborhood groups to raise awareness and transmit fair housing rights information.
- Build public understanding, awareness and support for housing affordability, integration, diversity and inclusion. Recruit a public relations firm to donate or discount time to test messaging to residents and landlords and develop a campaign for execution by the Council and city staff. The city already has an excellent webpage with messaging for some areas ("Snow routes & winter weather tips") and could easily rotate a fair housing campaign through its resident messaging efforts.

Impediment No 4—Zoning code and land use regulations discourage housing type diversity.

As detailed in Section III of this report, there are many areas in the city's zoning code that could be improved to facilitate affordability and more housing type diversity.

Action steps:

- Adopt the recommendations from the zoning review in this AI. Briefly, 1) add flexibility to the definition of family; 2) conduct a legal review on potential fair housing challenges associated with treatment of persons with disabilities living in group homes; and, 3) as part of the code update, consider revising densities and development standards to ensure they accommodate a wide range of housing types and products that are typically more affordable and avoid indirect effects of segregating protected classes into certain neighborhoods.
- As part of continued efforts to update the city's code and add flexibility in residential development consider incorporating the best practices referenced in the zoning review: 1) include a definition of disability consistent with the Federal Fair Housing Act; 2) establish standard processes for reasonable accommodation requests; and 3) allow ADUs and other types of gentle density in some single family districts, potentially in exchange for affordability commitments.

Impediment No. 5—Challenges with affordable and reliable transit access for low income residents and residents with disabilities.

Action steps:

- Assess the results of investments in transit to ensure that they have expanded access in underserved neighborhoods. MAPS 4 should expand transit access to low income households and families and improve the effectiveness of para- and accessible transit.

Impediment No. 6—Limited access to high performing schools for African American and Hispanic students.

Action steps:

- Work with Oklahoma City Public Schools to monitor the results of the P2G transformation on improving access to high performing schools for African American and Hispanic children.
- Continue to invest CDBG public service dollars in afterschool and summer programming and academic activities in low income neighborhoods; increase as resources allow.