

# *City of Miami Gardens* Analysis of Impediments to Fair Housing Choice

Submitted by:  
Housing Opportunities Project for Excellence, Inc. (HOPE, Inc.)



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## I. INTRODUCTION

### A. History and Purpose

The Federal Fair Housing Act, Section 808(e)(5), requires the Secretary of the U.S. Department of Housing and Urban Development (the Department) to administer the Department's housing and urban development programs in a manner as to *affirmatively further fair housing (AFFH)*. All localities that are direct recipients of Community Development Block Grant (CDBG) funds from the Department are required to conduct an assessment of the barriers to housing choice and to develop a plan for overcoming the impediments identified. Although the grantee's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded.<sup>1</sup>

In September 2004, the U. S. Department of Housing and Urban Development (HUD) reissued a memorandum guidance originally issued on February 14, 2000, regarding the requirement that local jurisdictions receiving funding through the Consolidated Plan process should update, where appropriate, its *Analysis of Impediments to Fair Housing Choice (AI)*. The purpose of the memorandum was to remind the jurisdictions, especially at the beginning of a new Consolidated Plan five-year planning cycle, that it is appropriate to update their *AI*'s to reflect the current fair housing situation in their communities. Subsequent *AI*'s are to be completed or updated in accordance with future timeframes for the Consolidated Plan. A summary of the previously conducted *AI* plus the jurisdiction's accomplishments for the past program year are requisite components of the performance report required by the Consolidated Plan.

The Consolidated Plan regulations (24CFR 91) require a certification by each jurisdiction that it will affirmatively further fair housing (AFFH), which requires Fair Housing Planning. Fair Housing Planning entails: 1) the completion of an *Analysis of Impediments to Fair Housing Choice*; 2) implementation of action plans to eliminate any identified impediments; and, 3) maintenance of AFFH records, corresponding with implementation of the Consolidated Plan every three to five years. For fair housing that means that the jurisdiction will continue to certify that they will affirmatively further fair housing as a condition of continuing to receive federal funds. Local jurisdictions can meet this obligation by conducting an *AI*, developing an Action Plan and implementing strategies designed to overcome these barriers based on their history, circumstances, and experiences. In other words, the local jurisdictions should define the problems, develop the solutions and be held accountable for meeting the standards they set for themselves.

An analysis of the impediments to fair housing is more than a catalog of illegal acts. It is a study of the barriers to housing choice. This study must identify those systemic or structural issues that limit the ability of people to take advantage of the full range of

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<sup>1</sup> U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, Chapter 1, Section 1.2, 1-1

housing which should be available to them. The City of Miami Gardens has done much to expand the housing choices of its residents through a variety of programs. An attempt has been made herein to identify the immediate barriers, without discussing the causes/reasons for income disparities which are beyond the scope of this study.

## **B. Who Conducted the *Analysis***

**Housing Opportunities Project for Excellence, Inc. (HOPE, Inc.)** is a private fair housing, non-profit corporation established in 1988, dedicated to eliminating housing discrimination and promoting fair housing. HOPE, Inc. employs a two-tiered system of Fair Housing (Education & Outreach and Private Enforcement) and Special Housing programs (Group/Individual Mobility Counseling and Relocation Services) to achieve its mission to affirmatively further fair housing. The programs are designed to ensure that people are offered the right to select housing of their choice without discrimination based on race, color, national origin, sex, religion, familial status, disability and such other protected classes as may be conferred by federal, state or local laws. HOPE, Inc. has completed *Analysis of Impediments to Fair Housing Choice* as consultants to over 15 local jurisdictions and has been instrumental in the recovery of nearly \$9 million in out-of-court settlements for victims of housing discrimination. HOPE, Inc. is the only private, full-service fair housing organization in Miami-Dade and Broward counties engaged in testing for fair housing law violations and pursuing the enforcement of meritorious claims.

## **C. Methodology**

This *Analysis of the Impediments to Fair Housing Choice* is prepared on behalf of the City of Miami Gardens, Florida. The *U.S. HUD Fair Housing Planning Guide* was utilized in the preparation of the *Analysis*. The process of identifying impediments and recommending corrective actions included, but was not limited to, the review and extraction of data from the following: the Consolidated Plan, the Comprehensive Development Master Plan; the official City of Miami Gardens website and U.S. Census Bureau data. City of Miami Gardens staff from the Community Development and Planning and Zoning Departments provided written responses to a HUD Fair Housing Planning Guide survey and were instrumental in the provision of pertinent information for completion of the AI. A survey of City of Miami Gardens residents was completed to determine their knowledge and perceptions of fair housing issues affecting the jurisdiction. Impediments to fair housing in the homebuyer market were examined by analyzing relevant NCRC Home Mortgage Disclosure Act (HMDA) data and the Florida Home Minority Lending Report, with special acknowledgments to the National Community Reinvestment Coalition (NCRC).

## **D. Funding**

The City of Miami Gardens executed a funding agreement with HOPE, Inc. effective October 1, 2007 - September 30, 2008, for the completion of the City's *Analysis of Impediments*. Community Development Block Grant (CDBG) funds were utilized to fund this effort.

## II. EXECUTIVE SUMMARY

Incorporated on May 13, 2003, the City of Miami Gardens is the 33rd city in Miami-Dade County and is the third largest city in the County. Since the City is a relatively new jurisdiction, historical census data is unavailable. Non-Hispanic Blacks comprise the largest demographic group while Hispanics represent the second largest demographic group. The city's Hispanic and Non-Hispanic White population continues to be highly concentrated. The City also has significant numbers of persons with disabilities (14.3%) and families with children (24%). Increased education and outreach efforts are indicated to make protected classes of people under fair housing laws aware of their rights and where to seek assistance should they feel their rights have been violated.

It is estimated that there were a total of 30,989 housing units in the City of Miami Gardens in 2000, consisting of 23,567 single-family and 7,179 multiple-family units, and 243 mobile home/other units. Of the 30,989 total units reported in the 2000 Census, an estimated 29,262 (94.4%) were occupied, with 5.6% (1,726) classified as vacant. Of the total occupied units, approximately 22,052, or 75%, were owner-occupied, while 7,210, 25%, were renter occupied.

Miami Gardens is an urban community that is 93% built out with a forecasted 8% increase in population growth by 2010. The City experienced a tremendous increase in housing prices and rental rates between 2000 and 2006, reducing the availability of affordable housing for the community-at-large and for its low to moderate income residents particularly. Approximately 48% of the total renters in 2000 paid less than 30% of household income for gross housing costs. Approximately 58% of the total owners with a mortgage in 2000, paid less than 30% of household income for gross housing costs.

Housing discrimination complaints, fair housing litigation, and other data indicate discriminatory housing practices occurring in and around the jurisdiction. There is a need for on-going housing provider training and support of public and private fair housing enforcement.

Analyzed 2006 HMDA data clearly shows a trend with respect to low numbers of Black applicants and low- and moderate-income applicants, as well as higher levels of denials of loans to Black and low-income applicants. The majority of the FHA loans originated (for which income could be determined) were made to middle- and upper-income applicants. Overall, Blacks and Hispanic are underrepresented in loan applications and originations for all loan types. The disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer education regarding lending processes and avoiding abusive practices.

The following Fair Housing Implications identified during the data gather process:

1. The increasing population indicates the need for on-going educational efforts in the jurisdiction.

2. The significant number of households with children under 18 years and disabled population indicate a need for educating these populations regarding their rights under federal, state, and local fair housing laws; particularly reasonable accommodations, reasonable modifications, and accessible design and construction.
3. The presence of a significant Hispanic population and persons who are foreign born indicate the need for culturally competent, multi-lingual fair housing information and services.
4. The receipt of CDBG funding from HUD suggests the need for the governing body of the jurisdiction to receive training to ensure that the City's mandated obligation to affirmatively further fair housing extends to all housing and housing-related activities in its jurisdiction, whether publicly or privately funded.
5. The results of the Fair Housing Survey conducted in the City of Miami Gardens support the need for an on-going effort to educate the community regarding their rights under fair housing laws and where to file such complaints.
6. A review of housing discrimination complaints indicates the need for on-going and increased enforcement and educational efforts.
7. Miami Dade County's Fair Housing Ordinance has not obtained substantial equivalency certification from HUD. Such certification presents numerous advantages such as funding availability, local complaint processing under a substantially equivalent law, and opportunities for partnerships that affirmatively further fair housing.
8. Disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer education regarding lending processes and avoiding abusive practices.

Having completed its examination of all available data, HOPE, Inc. concludes that there are five (5) impediments to fair housing choice evident in the City of Miami Gardens:

1. Violations of federal, state, and local fair housing laws in the jurisdiction and immediate surrounding areas
2. Lack of awareness of fair housing laws, issues and resources
3. Racial disparities in fair and equal lending
4. A strongly segregated housing market
5. Limited funding availability for the creation of affordable housing opportunities

Recommendations for corrective action have been made in the Fair Housing Plan that is provided herein.

### **III. JURISDICTIONAL DEMOGRAPHIC/BACKGROUND DATA**

The City of Miami Gardens was incorporated on May 13, 2003, as the 33rd city in Miami-Dade County and is the third largest city in the County. The City is located in North-Central Miami-Dade County and covers an area of approximately 20 square miles. Miami Gardens borders Broward County to the north, the City of Miami Lakes and Unincorporated Miami-Dade County to the west, the City of Opa-Locka to the south, and the City of North Miami Beach and Unincorporated Miami-Dade County to the east. The new City of Miami Gardens is comprised of seven communities identified as Census Designated Places (CDP) in the 2000 Census: Andover CDP, portions of Carol City CDP, Scott Lake CDP, portions of Norland CDP, portions of Lake Lucerne CDP, Opa-Locka North CDP, and Bunche Park CDP. The City of Miami Gardens is an urban/suburban community that was heavily developed between 1950 and 1969. It is a solid, working and middle class community of unique diversity and holds the distinction of being the largest predominantly African-American municipality in the State of Florida.

(See Attachment 1- Map, City of Miami Gardens)

#### **A. Population**

According to the City's Consolidated Plan, the city had an estimated population of 105,414 as of 2004. The City is reported to be 77% non-Hispanic Black, 16% Hispanic, 4% White non-Hispanic, and 3% other. The City's official website estimates its population to have grown to 107,579 as of 2006 and indicates an increase in the Black population from 77% to 79%; a decrease in White-non Hispanic and Other from 7% to 5%; and no change in the 16 % Hispanic population. The city's Hispanic and Non-Hispanic White populations are highly concentrated in the northeast and northwest areas of the city. (See Attachment 2- Map, racial demographic by census block group.)

According to the 2006 American Community Survey<sup>2</sup>, 14.3% (12,160) of the city's population of persons 5 years and older claimed some form of disability. Approximately 24% (21,658) of the city's population is under the age of 18 and there are 7,316 (24%) family households with children. The 2006 American Survey also estimates that approximately 28% (25,143) of the population are foreign born.

Based on the US Census of 2000, the Miami-Dade County Planning Department estimated the population of Miami Gardens at 100,809 residents in 2000. City projections indicate that the City's population will increase to 112,389 residents by 2016. Of the total growth during the period 2000–2016, approximately 52% are projected to be of prime working age, while prime school-age children are projected to account for approximately 28%. Growth in the retirement age group is projected to constitute a fairly

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<sup>2</sup> The 2006 American Community Survey estimates a total population of 90,741. This number is used in determining percentages of various populations for the purposes of this analysis.

small share (approximately 13.5% of the total).

<b>POPULATION ESTIMATES &amp; PROJECTIONS - PER U.S.CENSUS DATA 2000- 2030</b> <i>(as listed on the official City of Miami Gardens website)</i>		
2000	100,809	
2004	105,414	4.57%
2006	107,567	1.14%
2010	112,762 5.71%	5.71%
2015	119,260 5.71%	5.71%
2020	126,132 5.71%	5.71%
2025	133,400 5.71%	5.71%
2030	141,087 5.71%	5.71%

**Fair Housing Implications:**

The increasing population indicates the need for on-going educational efforts in the jurisdiction.

The significant number of households with children under 18 years and disabled population indicate a need for educating these populations regarding their rights under federal, state, and local fair housing laws; particularly reasonable accommodations, reasonable modifications, and accessible design and construction.

The presence of a significant Hispanic population and persons who are foreign born indicate the need for culturally competent, multi-lingual fair housing information and services.

## B. Income

Approximately 11,151 households in the City of Miami Gardens earn 80% of the area median income or less, and are therefore classified as low income by HUD. This represents about 38% of the citywide population for whom household income could be determined.<sup>3</sup> According to U.S. Census information, in 2000 the city's median household income was \$33,872, while Miami-Dade County registered at \$41,237, and the United States came in at \$41,994. Median household income was lower than the median family income (\$44,798) because a greater share of non-family households has only a single wage earner, while families often have two.

### Income: Source US Census

<b>INCOME AND BENEFITS (IN 2006 INFLATION-ADJUSTED DOLLARS)</b>		
<b>Total households</b>	<b>30,817</b>	<b>+/-2,262</b>
Less than \$10,000	3,826	+/-1,154
\$10,000 to \$14,999	1,519	+/-742
\$15,000 to \$24,999	5,630	+/-1,383
\$25,000 to \$34,999	4,970	+/-1,133
\$35,000 to \$49,999	4,068	+/-990
\$50,000 to \$74,999	6,331	+/-1,301
\$75,000 to \$99,999	2,620	+/-912
\$100,000 to \$149,999	1,266	+/-479
\$150,000 to \$199,999	384	+/-245
\$200,000 or more	203	+/-334
Median household income (dollars)	33,872	+/-3,993
Mean household income (dollars)	43,554	+/-3,790
With earnings	24,565	+/-1,936
Mean earnings (dollars)	45,148	+/-4,270
With Social Security	10,013	+/-1,477
Mean Social Security income (dollars)	11,190	+/-925
With retirement income	3,515	+/-944
Mean retirement income (dollars)	18,617	+/-4,751
With Supplemental Security Income	1,695	+/-667
Mean Supplemental Security Income (dollars)	5,456	+/-983
With cash public assistance income	978	+/-521
Mean cash public assistance income (dollars)	1,922	+/-875
With Food Stamp benefits in the past 12 months	6,715	+/-1,108

<sup>3</sup> City of Miami Gardens Consolidated Plan

<b>Families</b>	<b>20,848</b>	<b>+/-1,912</b>
Less than \$10,000	1,566	+/-748
\$10,000 to \$14,999	750	+/-520
\$15,000 to \$24,999	3,220	+/-1,132
\$25,000 to \$34,999	3,015	+/-925
\$35,000 to \$49,999	3,097	+/-865
\$50,000 to \$74,999	5,221	+/-1,100
\$75,000 to \$99,999	2,619	+/-965
\$100,000 to \$149,999	1,106	+/-456
\$150,000 to \$199,999	254	+/-193
\$200,000 or more	0	+/-300
Median family income (dollars)	44,798	+/-5,600
Mean family income (dollars)	49,566	+/-4,245
Per capita income (dollars)	15,667	+/-1,473
<b>Non-Family households</b>	<b>9,969</b>	<b>+/-1,869</b>
Median non-family income (dollars)	21,977	+/-2,648
Mean non-family income (dollars)	25,845	+/-3,686
Median earnings for workers (dollars)	22,820	+/-1,989
Median earnings for male full-time, year-round workers (dollars)	28,860	+/-3,471
Median earnings for female full-time, year-round workers (dollars)	28,367	+/-3,317

### C. Employment

According to the City's 2000 Demographic Profile, 62.2% of the population 16 years and over were participants in the labor force, of which 45% were male and 55% were female. Miami Garden's employment rate was comparable to the County's (62%), higher than the State's (58.6%), but slightly lower than the nation (63.9%).

Educational services, healthcare, and the social assistance industry were the categories most represented.

#### Employment

<b>EMPLOYMENT STATUS</b>		
<b>Population 16 years and over</b>	<b>71,657</b>	<b>+/-5,824</b>
In labor force	44,618	+/-4,428
Civilian labor force	44,575	+/-4,416
Employed	38,901	+/-3,857
Unemployed	5,674	+/-1,680
Armed Forces	43	+/-72
Not in labor force	27,039	+/-3,488
<b>Civilian labor force</b>	<b>44,575</b>	<b>+/-4,416</b>
Unemployed	12.7%	+/-3.3
<b>Females 16 years and over</b>	<b>39,947</b>	<b>+/-3,857</b>

In labor force	24,628	+/-2,998
Civilian labor force	24,628	+/-2,998
Employed	21,784	+/-2,563
<b>Own children under 6 years</b>	<b>6,039</b>	<b>+/-1,453</b>
All parents in family in labor force	4,505	+/-1,428
<b>Own children 6 to 17 years</b>	<b>13,209</b>	<b>+/-2,800</b>
All parents in family in labor force	10,574	+/-2,613
<b>COMMUTING TO WORK</b>		
<b>Workers 16 years and over</b>	<b>38,196</b>	<b>+/-3,803</b>
Car, truck, or van -- drove alone	31,593	+/-3,707
Car, truck, or van -- carpoled	2,545	+/-782
Public transportation (excluding taxicab)	2,789	+/-959
Walked	327	+/-251
Other means	549	+/-407
Worked at home	393	+/-344
<b>Mean travel time to work (minutes)</b>	29.9	+/-2.0
<b>Civilian employed population 16 years and over</b>	<b>38,901</b>	<b>+/-3,857</b>
<b>OCCUPATION</b>		
Management, professional, and related occupations	9,899	+/-1,733
Service occupations	10,497	+/-1,971
Sales and office occupations	10,044	+/-2,010
Farming, fishing, and forestry occupations	0	+/-300
Construction, extraction, maintenance and repair occupations	3,449	+/-958
Production, transportation, and material moving occupations	5,012	+/-1,212
<b>INDUSTRY</b>		
Agriculture, forestry, fishing and hunting, and mining	0	+/-300
Construction	3,241	+/-1,325
Manufacturing	1,536	+/-604
Wholesale trade	1,367	+/-613
Retail trade	3,282	+/-1,088
Transportation and warehousing, and utilities	3,967	+/-1,126
Information	744	+/-388
Finance and insurance, and real estate and rental and leasing	2,004	+/-923
Professional, scientific, and management, and administrative and waste management services	3,905	+/-1,126
Educational services, and health care, and social assistance	11,609	+/-1,993
Arts, entertainment, and recreation, and accommodation, and food services	2,653	+/-921
Other services, except public administration	2,182	+/-788
Public administration	2,411	+/-813
<b>CLASS OF WORKER</b>		
Private wage and salary workers	27,166	+/-3,477
Government workers	8,638	+/-1,650
Self-employed workers in own not incorporated business	3,097	+/-1,127
Unpaid family workers	0	+/-300

## D. Housing

*(City of Miami Gardens Consolidated Plan 2006-2011 and Comprehensive*

## *Development Master Plan- Housing Element)*

It is estimated that there were a total of 30,989 housing units in the City of Miami Gardens in 2000, consisting of 23,567 single-family and 7,179 multiple-family units, and 243 mobile home/other units. Single-family attached and detached homes constituted approximately 76% of the total. The City's housing breakdown by type is typical of most cities with 76% consisting of single-family units and 24% multiple-family units including mobile homes and "other" units.

Of the 30,989 total units reported in the 2000 Census, an estimated 29,262 (94.4%) were occupied, with 5.6% (1,726) classified as vacant. Of the total occupied units, approximately 22,052, or 75%, were owner-occupied, while 7,210, 25%, were renter occupied. Historical building permit data is not available to determine the current number of housing units, given the City's incorporation in 2003; however, it is estimated that there were 32,789 dwelling units in the City as of 2005. By age of structure, approximately 52% of the housing stock was built between 1950 and 1969, while approximately 88% was constructed between 1950 and 1989.

In 2000 the median monthly rent for renter-occupied units in the City was approximately \$670, compared to \$647 per month for Miami-Dade County, with 59% of all City rents falling within the \$500 to \$899 per month range. In 2006 the average City rental rates rose to the \$900 to \$1200 range, representing an 80% increase over the previous five years. Similarly, the value of owner-occupied Miami Gardens units skyrocketed by 120% from 2000 to 2005. The estimated median home value was \$88,500 in 2000, compared to \$124,000 for Miami-Dade, with approximately 79% of owner-occupied units valued at less than \$100,000 in the City. In 2005, the median home price for a single family home in Miami Gardens rose to \$195,000.

State of the Cities Data System (SOCDS) figures prepared by the U.S. Department of Housing and Urban Development (HUD) were used to estimate the 2000 distribution of households in Miami Gardens, by tenure (i.e. renters and owners), among very low, low and moderate+ income groups, according to the following distribution:

### **Renters:**

Very Low Income 9.1%

Low Income 5.4%

Moderate+ Income 10.1%

### **Owners:**

Very Low Income 12.3%

Low Income 11.8%

Moderate+ Income 51.3%

**Total 100.0%**

Approximately 48% of the total renters in 2000 paid less than 30% of household income for gross housing costs. Further approximately 58% of the total owners with a mortgage in 2000, paid less than 30% of household income for gross housing costs. Based upon the Department of Community Affairs standard, these figures indicate that a majority of the housing within the City was affordable to its residents.

## Rental Housing Cost Burden

As anticipated, residents within the very low-income category are severely impacted by the cost of rental housing in the City of Miami Gardens. In the very low-income category, 71% of large related family renters are facing severe cost burden (housing costs that exceed 50% of household income), followed by 66% of “other households”, 65% of small related families, and 57% of elderly renters. In the low income category, the severity of the cost burden decreases slightly, with a smaller percentage of the population facing severe housing cost burden. In this income category, however, 84% of both the large and small related families are facing rental housing cost burden (housing costs that exceed 30% of household income), followed by 70% of “other households”, and 57% of elderly renters. Similarly, the cost burden continues to decrease within the moderate-income category with 64% of “other households” facing rental housing cost burdens, followed by 62% of large and small related families, and 42% of elderly renters.

## Owner Occupied Housing Cost Burden

In the homeowner population, the cost burden is less severe than with renters. However, across all income categories, a high percentage of home owners are experiencing cost burden that exceed 30%. In the very low-income category, the large related family is the most severely impacted with 75% experiencing cost burden, followed by 74% of the elderly, 71% of small related families, and 51% of “other households”. In the low-income category, the “other households” population and the large related family are the most severely impacted with 87% experiencing cost burden exceeding 30%, followed by 86% of the small related families, and 71% of the elderly. In the moderate-income category, the “other households” category is the most severely impacted with 82% experiencing cost burden, followed by 70% of the small related families, 59% of the large related families, and 48% of the elderly.

## Housing Problems

An average of 77% of both renters and homeowners in the very low, low, and moderate-income categories are experiencing housing problems. These problems range from overcrowded conditions to deteriorated structures. The City of Miami Gardens conducted research regarding the overall status of housing in the City as a part of the City’s Comprehensive Development Master Plan. During this process, several factors were examined in order to define a housing unit as standard or sub-standard.

There are several measures which can be used to evaluate housing stock and living conditions within the City, including age of structure, overcrowding, lack of certain necessary facilities, structural integrity, and Florida Building Code requirements. Specific indicators of substandard housing or living conditions for each of the above measures are as follows:

- **Age of Structure:** *A housing unit constructed prior to 1950, which is valued at less than \$25,000.*

According to analysis conducted by the Iler Planning Group, there are 1,384 units (4.5% of the housing stock) within the City that were constructed prior to 1950. The analysis also uncovered 1,036 specified owner-occupied units (5.3% of the total) in Miami Gardens valued at less than \$50,000 in 2000.

- **Lacking Facilities:** *A housing unit lacking complete plumbing facilities, heating and cooking facilities, and/or complete kitchen facilities.*

The 2000 Census reported that high percentages of the year-round housing stock had complete plumbing facilities (99.3%) and complete kitchen facilities (99.3%). Due to the high level of availability, it is concluded that “lack of facilities” does not, in itself, raise any issues regarding overall substandard living and housing conditions within the City.

- **Over-Crowding:** *1.01 persons per room or more within a dwelling unit.*

According to the 2000 Census, there were an estimated 5,345 households, or 18.3% of the total, reporting occupancy of more than 1.0 person per room in the City.

- **External Housing Conditions:** *A housing unit categorized as either of the following by the City of Miami Gardens.*
  - **Deteriorated:** *Meaning in need of some relatively minor exterior repair, which is indicative of a lack of maintenance. Examples include: housing that requires painting, fascias and soffits showing signs of deterioration, cracked and broken windows, and even severely overgrown yards, which is generally accompanied by a lack of structural maintenance.*
  - **Dilapidated:** *Meaning in need of substantial rehabilitation. The unit may be considered to be unfit for human habitation or rapidly approaching that condition. This category of substandard housing needs to be addressed immediately, through either rehabilitation or demolition, as the health and safety of the inhabitants may be endangered.*

City staff has not completed a general survey oriented to evaluating external housing conditions since incorporation in 2003.

- **Code Violations:** *The City has adopted the Florida Building Code (Miami-Dade & Broward Edition) that incorporates the following definition for an unsafe structure:*
  1. *A building deemed a fire hazard, as a result of debris or other combustible material, creates a hazard, vacant and unguarded; or*
  2. *A building deemed structurally unsafe by design or deterioration, partially destroyed, unsafe or lack of adequate plumbing, inadequate or unsafe electrical, inadequate waste disposal system or lack of a building permit.*

The analysis conducted by the City concluded that, while “age of structure” and “value,” in combination, do not raise any immediate issues regarding overall substandard living and housing conditions, vigilant code enforcement and conservation efforts will need to be undertaken as a means to preserve the City’s affordable housing stock. Age and value of the housing stock may become a concern in the near future if the City does not dedicate resources to conservation and preservation measures.

Given significant increases in home values and rental rates since the 2000 Census, increases in housing production costs, the current mortgage and credit crisis and the continued reduction of federal funding to local jurisdictions, the City’s ability to produce affordable housing opportunities for its residents will be adversely impacted.

### **Fair Housing Implications:**

**Limited availability of affordable housing allows landlords and owners to be more selective when renting and selling, opening the door to discriminatory housing practices. Publicly funded or subsidized housing opportunities must be affirmatively marketed to ensure availability to residents of all communities.**

## **E. Government Structure**

The City has a “Mayor-Council-Manager” form of government. The City Council is vested with all legislative powers of the City. The Council consists of the Mayor and six (6) Council members. The Mayor is a voting member of the Council and presides over the meetings of the Council. The City Manager is the chief administrative officer of the City and is responsible to the Council for the administration of all City affairs and is responsible for carrying out the policies adopted by the Council<sup>4</sup> (See Attachment 3-City of Miami Gardens Organizational Chart)

The Consolidated Plan regulations (24 CFR 91) require that the City of Miami Gardens complete the Fair Housing Planning, which includes the completion of an *Analysis of Impediments to Fair Housing Choice*. The City of Miami Gardens City Council acts as the final authority for the appropriation of funds for Annual Action Plan activities under the Consolidated Plan grant programs, following the recommendations of the City Manager. The City of Miami Gardens Community Development Department is the lead administrative agency for the Consolidated Plan programs. The Department provides fiscal and regulatory oversight of all CDBG funding, as well as other federal and state grants for housing, economic, and community development.

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<sup>4</sup> City of Miami Gardens, City Charter

## **Fair Housing Implication:**

**The receipt of CDBG funding from HUD suggests the need for the governing body of the jurisdiction to receive training to ensure that the City's mandated obligation to affirmatively further fair housing extends to all housing and housing-related activities in its jurisdiction, whether publicly or privately funded.**

## **IV. JURISDICTION'S FAIR HOUSING PROFILE**

### **A. Fair Housing Complaints**

The National Fair Housing Alliance's 2008 *Fair Housing Trends Report* announced that 27,023 fair housing complaints were filed nationwide in 2007.<sup>5</sup> According to the report, this number represents less than one percent of the estimated incidence of illegal housing discrimination that occurs each year in the United States. Further, the report estimates that private fair housing organizations process approximately 60% more complaints than public entities. The report indicates that for the past few years, disability as a basis for discrimination has dominated the complaint load nationally. In Miami-Dade County and in the City of Miami Gardens, has been and continues to be the most common basis of discrimination complained of.

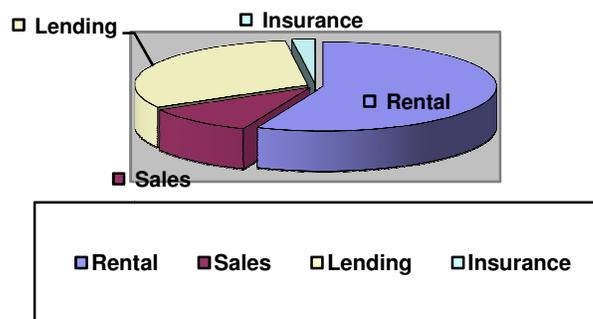
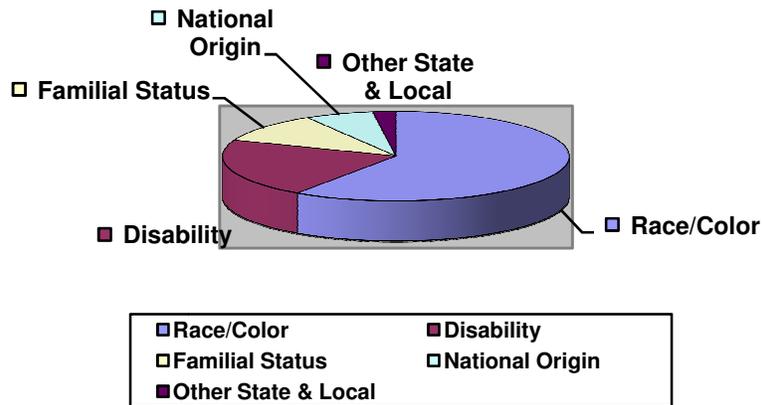
From March 10, 2005, through June 30, 2008, HOPE, Inc. received a total of 48 complaints from the following zip codes: 33054, 33055, 33056 and 33169. The majority of the complaints (27 or 56%) were from rental transactions. A total of 15 (31%) were from lending transactions. The balance of the complaints stemmed from sales (5 or 10%) and insurance (1 or 2%) transactions.

Race was the most common basis of discrimination complained of (28 or 58%). Disability was the second most common basis of discrimination complained of (10 or 21%), follow by familial status (5 or 13%), national origin (3 or 8%).

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<sup>5</sup> <http://www.nationalfairhousing.org/FairHousingResources/tabid/2555/Default.aspx>

Case by Basis		Case by Issue	
Race/Color	28	Rental	27
Disability	10	Sales	5
Familial Status	5	Advertising	
National Origin	3	Lending	15
Religion		Insurance	1
Sex		Zoning: Disability	
Other, State & Local	1	Zoning: Other	
<b>Total</b>	<b>48</b>		<b>48</b>



## **B. Fair Housing Discrimination Suits Filed**

### Hicks, et al. v. Rebuilding Our Community, et al.<sup>6</sup>

Three African-American families, who were first-time home buyers, signed contracts to purchase and had their homes sold to white, Hispanic buyers. The developer was sued for housing discrimination on the basis of race and breach of contract. The homes, subject to the lawsuit, are located in areas neighboring Florida Memorial College which is located in the City of Miami Gardens. It is uncertain as to whether or not the homes are actually located inside of the City's boundaries. The case settled in mediation. The amount and terms of settlement are confidential.

### Milsap, et al. v. Cornerstone Residential Management<sup>7</sup>

The developer and property management company of affordable housing units located in Miami-Dade and Broward Counties is subject to a class action lawsuit alleging discrimination on the basis of familial status and race. Four properties subject to this lawsuit are located in the City of Miami Gardens:

Crossings @ University, 18740 N.W. 27 Ave, 33055

Eagle's Landing, 18800 N.W 27 Ave, 33055

Hidden Cove, 1030 N.W. 155 Lane, 33169

Golden Lakes, 1200 N.W. 155 Lane, 33169

The plaintiffs allege that the occupancy restrictions established and enforced by Cornerstone have a discriminatory impact on families with children and Blacks. US HUD has established a general rule of two persons per bedroom as a reasonable occupancy standard for purposes of the Fair Housing Act.<sup>8</sup> The plaintiffs allege that the occupancy standards enforced at properties owned and operated by Cornerstone are more restrictive than that established by HUD, thus having a discriminatory impact on families with children. Further alleged is that properties located in areas with larger minority populations have even more restrictive occupancy limitations than areas with smaller minority populations, resulting in racial disparities.

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<sup>6</sup> Filed in 2005 by the Florida Justice Institute in the United States District Court, Southern District of Florida, Civil Division, Case No. 05-20083-CIV

<sup>7</sup> Filed in 2005 by The Law Office of Matthew Dietz in the United States District Court, Southern District of Florida, Civil Division, Case No. 05-60038 CIV

<sup>8</sup> Department of Housing and Urban Development, Fair Housing Enforcement- Occupancy Standards, Notice of Statement of Policy, Docket No. FR-4405-N-01; Federal Register/Vol. 63, No. 245/Tuesday, December 22, 1998/Notices

The case is pending.

Guzman, et al v. Raquetclub, LLC., et al.<sup>9</sup>

A visually impaired woman and companion allege that a property with a “no pet” policy refused to allow her to apply to rent an apartment because of her guide dog. Twin Lakes Racquet Club Apartments is located at 777 NW 155 Lane, 33169, just outside of the City of Miami Garden’s boundaries.

The case is pending.

### **C. Reasons for Trends or Patterns**

A major awareness study, “How much do we know? “ released by U.S.HUD in April 2002, *Public Awareness of the Nation’s Fair Housing Laws*<sup>10</sup>, provides evidence of an underreporting of housing discrimination in the country. The study provides the results of the first national survey and analysis of public awareness of fair housing laws. Although the survey did not quantitatively assess the extent of housing discrimination, respondents were asked did they feel that they had ever been discriminated against when trying to buy or rent a house or apartment. According to the study, fourteen percent (14%) of the respondents, more than 28 million people, believed that they had experienced some form of housing discrimination. Of that fourteen percent, less than one-fifth of the people took action, and most simply complained to the individual who they believed discriminated against them. The survey results imply “a much greater incidence of perceived housing discrimination among the general public than a tally of complaints by government agencies, fair housing groups, or the legal system indicate.” The study emphasized a widespread lack of public awareness of the nation’s fair housing laws.

On-going education and outreach efforts are essential to promote awareness of rights conferred under fair housing laws and to ensure compliance with fair housing laws. In an effort to gauge the current local level of housing discrimination, a Fair Housing Survey was conducted throughout the City of Miami Gardens. In August and September 2008, HOPE, Inc. conducted a survey that posed a series of questions to local residents regarding housing discrimination, tenant/homeowner rights, and local fair housing resources. Steps were taken to ensure a random and widespread response from residents within Miami Gardens. Surveys were conducted at local community events, through direct community outreach to local businesses and residential areas, as well as, through phone and fax contacts with local religious organizations. 100 surveys were collected through all of these efforts.

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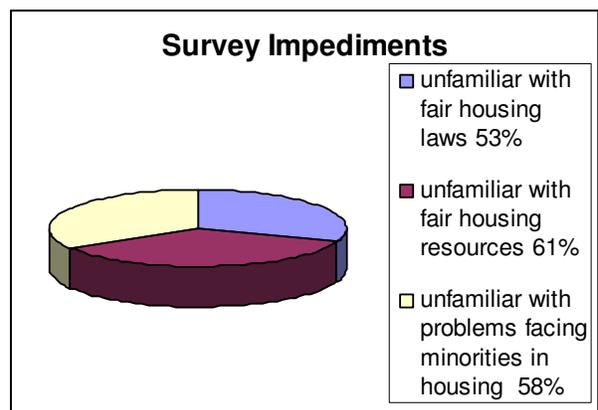
<sup>9</sup> Filed in 2005 by The Law Office of Matthew Dietz in the United States District Court, Southern District of Florida, Civil Division, Case No. 06-24037-CA-08

<sup>10</sup> U.S. Department of Housing and Urban Development, Office of Policy Development and Research, available on [www.huduser.org](http://www.huduser.org)

## Extent of perceived discrimination and trends in awareness:

In Miami Gardens, *thirty-four percent* of residents surveyed claimed to have experienced or know someone who has experienced some type of housing discrimination. Yet, only *one percent* of those believing to have experienced housing discrimination had taken any action in response. These are important issues because the Fair Housing Act relies on homebuyers or renters knowing enough to recognize housing discrimination when it occurs and, if experienced, to initiate a response- like filing a formal complaint for investigation, conciliation, or adjudication with local and national organizations, such as HOPE, Inc. Education is essential to this process.

*Fifty-three percent* of Miami Garden residents admitted to an unfamiliarity with fair housing laws and the individual rights of renters and homeowners. Also, *sixty-one percent* of those surveyed were unaware of the resources available for filing discrimination complaints. Education and outreach are the main sources for dispersing such information throughout local communities. Grassroots organizations traditionally play the role of local informer and trusted resource. In fact, over sixty percent of the 27,023 housing discrimination complaints filed in 2007 were taken by private organizations.



Although national complaint numbers appear extreme, the National Fair Housing Alliance asserts that, “the number of complaints filed, however, still represents less than one percent of the annual incidence of discrimination.”

One cause for the low numbers of reported complaints is the insidious nature of housing discrimination. Since the Fair Housing Act made housing discrimination illegal, massive resistance to integration evolved from blatant to covert practices. Therefore, identifying housing discrimination requires an understanding of specific terms and practices that otherwise appear legal. HOPE, Inc. specializes in the diversification of outreach and education efforts in order to inform larger numbers of local residents about current trends in housing discrimination. HOPE, Inc. targets residents by participating in community events, housing workshops, educational programs, specific residential and business outreach, and other such activities.

The 2005 National Fair Housing Trends Report noted that rental grievances represent the largest category of complaints for housing discrimination. HOPE, Inc. discrimination complaints show that a major element in rental housing discrimination is a lack of provider education and awareness regarding their responsibility to comply with federal,

state, and local fair housing laws. Therefore, HOPE, Inc. targets housing providers and entitlement jurisdiction employees for training and certification in fair housing laws and practices.

## **Trends in home buying practices:**

### Mortgages

*Sixty-two percent* of Miami-Garden residents surveyed admitted to being unaware of the problems facing blacks and Hispanics in securing a mortgage. This is a major concern, since predatory lenders historically target minorities and their communities. The Center for Community Change reported that African Americans are three times as likely as whites to finance their homes with sub-prime loans; this is true even between upper-income blacks and whites. In fact, over twenty percent of the sub-prime loans given went to people who met the Fannie Mae requirements for a regular loan. *Twenty-two percent* of Miami Garden residents reported that they or someone they knew were offered an overly expensive home loan.

### Steering

*Nineteen percent* of Miami Garden residents experienced steering when purchasing a home. The National Fair Housing Alliance in cooperation with HUD conducted a two and half year national investigation that revealed a steering rate of 87% for minorities when viewing homes for purchase. Therefore, it is likely that some residents surveyed were unaware of the actual practice of steering. Again, preventative measures must include education.

### Residential Segregation

In Miami Gardens, *thirty-one percent* of surveyors believed that their neighborhoods were segregated by race and ethnic groups. The U.N. Committee on the Elimination of Race Discrimination issued a report in January 2008 that noted:

[P]ersistence and prevalence of housing segregation throughout the United States...The average white person in metropolitan America lives in a neighborhood that is 80% white and only 7% black. In stark contrast, 'a typical black individual lives in a neighborhood that is only 33% white and as much as 51% black,' making African Americans the most residentially segregated group in the United States.

Generally, it appears that Miami Gardens would benefit from fair housing education and outreach efforts.

### Basic Survey Results:

1. Are you Familiar with the fair housing laws and your rights as a renter/homeowner? 47% answered “yes”; 53% answered “No” or “I don’t know”
2. Have you are anyone you know ever experienced housing discrimination? 34% answered “yes”, 66% answered “No”
3. Do you know what agencies to contact for information on your fair housing rights or assistance in reporting housing discrimination? 39% answered “yes”, 61% answered “No” or “I don’t know”
4. I have filed a discrimination complaint with an agency or in court: 99% answered “No”, 1% answered “Yes”
5. Are neighborhoods segregated by race and ethnic groups within the City of Miami Gardens? 69% answered “No”; 31% answered “Yes”
6. Have you experienced discrimination in getting a mortgage or property insurance? 91% answered “No”; 9% answered “Yes”
7. Have you or anyone you know been denied the opportunity or steered away from buying or renting in a particular neighborhood? 19% answered “Yes”; 81% answered “No”
8. Have you or anyone you know been offered a more expensive home loan than you feel you qualified for? 22% answered “Yes”; 78% answered “No”
9. Are you aware of problems faced by Blacks or Hispanics in securing a mortgage loan? 38% answered “Yes”; 62% answered “No”
10. What would you say is the best thing about living in your neighborhood?

36% answered “Good Mix of People”; 22% answered “Convenience”; 18% answered “Near work”; 8% answered “Scenery”; 8% answered “Family”

11. What would you say is the worst thing about the neighborhood or place that you live? 25% answered “Pollution”; 38% answered “Nothing”; 3% answered “Neighbors”; 4% answered “Scenery”; 4% answered “Crime”; 4% answered “Too many children”; 5% answered “Not convenient”

### **Fair Housing Implications:**

**The results of the Fair Housing Survey conducted in the City of Miami Gardens support the need for an on-going effort to educate the community regarding their rights under fair housing laws and where to file such complaints.**

**A review of housing discrimination complaints indicates the need for on-going and increased enforcement and educational efforts.**

## V. JURISDICTION'S ENVIRONMENTAL PROFILE

### A. Fair Housing Enforcement

#### Federal

The Federal Fair Housing Act<sup>11</sup> prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, is charged with enforcing the Federal Fair Housing Act. The Act contains administrative enforcement mechanisms, with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination, and gives the Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991.

HUD has had a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, have greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the mandatory enforcement area.

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party -- complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.<sup>12</sup>

#### State

The Florida Fair Housing Act<sup>13</sup> was passed by the Florida Legislature in 1983, and amended in 1989. The Florida Fair Housing Act parallels the Federal Fair Housing Act.

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<sup>11</sup> Title VIII of the Civil Rights Act of 1968, 42USC3601

<sup>12</sup> [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)

<sup>13</sup> State of Florida, Civil Rights Statutes, Title XLIX, Chapter760.2

The Florida Commission on Human Relations (FCHR) is a Fair Housing Assistance Program (FHAP) agency and enforces Florida's state fair housing law. Substantial equivalency certification takes place when a State or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

HUD has a two-phase procedure for the determination of substantial equivalency certification. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the State or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent on its face will result in HUD offering the agency interim certification. Interim certification is for a term of three years. An agency must obtain interim certification prior to obtaining certification. In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the State or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years. During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.

Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent State and local agencies in the enforcement of fair housing laws, and to reimburse these agencies for services that assist in carrying out the spirit and letter of the federal Fair Housing Act. While certification results in a shift in fair housing enforcement power from the federal government to the State or locality, the substantive and procedural strength of the federal Fair Housing Act is not compromised. Prior to certification, an agency must demonstrate to HUD that it enforces a law that is substantially equivalent to the federal Fair Housing Act.

When HUD receives a complaint and the complaint alleges violations of a State or local fair housing law administered by an interim certified or certified agency, HUD will generally refer the complaint to the agency for investigation, conciliation and enforcement activities. Fair housing professionals being based in the locality where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and are in closer proximity to the site of the alleged discrimination, offering greater efficiency in case processing.

## Local

Miami-Dade County's civil and human rights ordinance<sup>14</sup> is codified as Chapter 11A of the Miami-Dade County Code, as amended. The ordinance prohibits discrimination against any person in Miami-Dade County in the area of employment, public accommodations, credit and financing practices, and housing accommodations on the basis of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status or sexual orientation. The Miami-Dade County Equal Opportunity Board (MDCEOB) is a quasi-judicial as well as an advisory board charged with the enforcement of Miami-Dade County's civil and human rights ordinance. After the filing of a formal complaint of discrimination, the MDCEOB conducts an investigation into the allegations raised in the charge. The investigation may entail the taking of testimony from the parties and witnesses, the inspection of documents, site visitations to the respondent's facilities and fact finding conferences. During this process, early resolution is encouraged through settlement agreements. If the charge is not settled, the MDCEOB issues a recommended determination of probable cause or no probable cause. Any of the parties to an investigation may appeal the staff's determination to the members of the MDCEOB at a public hearing. The board members, who may meet in hearing panels of three or more, may uphold, modify or overturn the staff's determination. After a finding of discrimination, the chairperson, with the approval of a quorum of the members, issues and adjudicative final order including, but not limited to; 1) hiring, reinstatement or promotion, with accrued seniority and benefits, and with back pay; 2) taking affirmative action and making corrections; 3) requiring reasonable accommodations; 4) awarding costs and attorney's fees to a prevailing party; and 5) awarding and other quantifiable relief to a prevailing complainant for injuries incurred as a result of an act prohibited by Chapter 11A.

Unlike the state fair housing law, the Miami-Dade County ordinance currently does not have substantial equivalency certification from U.S. HUD. The ordinance was designated as substantially equivalent in 1983, but has since lost the certification. Substantial equivalency certification results in housing discrimination cases having the benefit of State or local complaint processing. At the same time, the process assures that the substantive and procedural strength of the federal Fair Housing Act will not be compromised.

## Private

Housing Opportunities Project for Excellence (HOPE), Inc. is a private, non-profit fair housing organization whose mission is to fight housing discrimination in Miami-Dade and Broward Counties and to ensure equal housing opportunities throughout the state of Florida. HOPE was created by the Dade County Fair Housing and Employment Appeals Board (now the Miami-Dade County Equal Opportunity Board - MDCEOB) utilizing funding from HUD's Fair Housing Assistance Program, Type II grant. The organization has been engaged in testing for fair housing law violations, pursuing

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<sup>14</sup> Miami Dade County Ordinance No.90-32, Chapter 11A, Article II

enforcement of meritorious claims and carrying out fair housing education and outreach and counseling programs designed to prevent and eliminate discriminatory housing practices in Miami-Dade and Broward Counties for twenty (20) years. Incorporated in 1988, HOPE, Inc. has been an effective catalyst in fair housing education and outreach and the investigation and preparation of housing discrimination complaints for resolution or litigation.

HOPE's Private Enforcement Initiatives are primarily funded by grants from US HUD's Fair Housing Initiative Program (FHIP). The main components of the initiative include: intake for complaint processing or referral, testing and additional investigation, where appropriate, and supervised referral of enforcement proposals (complaints that have been reviewed for jurisdiction by applicable fair housing laws, supported with credible and legitimate evidence) for enforcement action.

HOPE, Inc. is the only entity in Miami-Dade and Broward counties engaged in "testing". Testing is a controlled method for measuring and documenting whether differences in the quality, content, and quantity of information and services are given to various home seekers by housing providers. Testing is an effective and accurate tool in identifying policy or procedural oversight or infraction that may require corrective action.

For litigation or settlement of housing discrimination cases, HOPE, Inc. enlists private law firms and attorneys to contribute their services, on a pro bono basis. While governmental entities/agencies represent the public interest, private fair housing groups are able to advocate for the individual interests of victims of housing discrimination. There is no cost for legal representation or for any other service provided by HOPE to persons complaining of housing discrimination.

Agencies with substantial equivalency certification are eligible for funding that can be used to partner with private fair housing organizations. Such funding was once utilized by Miami-Dade County to create HOPE, Inc., a private fair housing organization that has implemented a wide range of crucial services for diverse constituencies and has been instrumental in the recovery of nearly \$9 million in settlements for victims of housing discrimination. By drawing on the strengths of private and public fair housing organizations, such partnerships can result in effective efforts to combat housing discrimination.

### **Fair Housing Implication:**

**Miami Dade County's Fair Housing Ordinance has not obtained substantial equivalency certification from HUD. Such certification presents numerous advantages such as funding availability, local complaint processing under a substantially equivalent law, and opportunities for partnerships that affirmatively further fair housing.**

## **B. Informational Programs**

HOPE, Inc. implements the only active, on-going Fair Housing Education & Outreach Initiative in Miami-Dade and Broward Counties. The Miami-Dade County Initiative is funded, in significant part by five, of the six, Entitlement Jurisdiction's located in Miami-Dade, County (Miami-Dade County, the Cities of Miami, Miami Beach, North Miami and Miami Gardens) utilizing Community Development Block Grant (CDBG) funds.

Generally, private fair housing organizations like HOPE are better equipped to reach local communities and marginalized people through continual outreach and partnerships with both secular and religious grassroots organizations. The organizations have the established reputations and private status that promote more trust from local communities.

Major Objectives: Provide educational materials, seminars and working sessions regarding protected classes and prohibited practices under federal, state, and local fair housing laws; Provide comprehensive fair housing services while seeking to identify illegal housing practices in the areas of rentals, sales, mortgage/lending, insurance, and advertising; Assist Entitlement Jurisdictions in implementing Fair Housing Action Plans that are designed to eliminate identified impediments to Fair Housing Choice and to meet Consolidated Plan requirements to Affirmatively Further Fair Housing; Conduct Private Housing Industry Provider Education Programs designed to furnish developers, real estate brokers, property managers, financial institutions, and the media/advertising industry with the most current information necessary to fully comply with fair housing laws, Community Reinvestment Act regulations, and affirmative marketing requirements.

All programs are tailored to meet individual organizational needs. Public Housing Authority and Not-for-Profit Community Development Corporation Workshops provide technical assistance to insure equal housing opportunities for all protected classes and the elimination of institutional barriers to decent, affordable housing. The overarching objective of these activities is to assist communities to develop a coordinated strategy of actions to affirmatively further fair housing. Legal Community Seminars offer practitioners training in fair housing litigation skills. Community and Civil Group Education Sessions are implemented to insure that the general public and protected classes become knowledgeable about fair housing laws and the means available to seek redress for fair housing rights violations. Media Campaign informs the public regarding the fair housing services made available by HOPE, Inc. utilizing any combination of public service announcements, print ads, signs/billboards, and the media. The Discrimination telephone Help Line provides information regarding fair housing issues, referral services for victims of discrimination to file complaints and seek redress, and affordable housing and other housing related referrals. HOPE publishes and disseminates a fair housing newsletter quarterly (circulation of 3,500) highlighting national, statewide, and local fair housing news, and conducts national Fair Housing Month activities in April annually.

## **C. Lending Policies and Practices**

Historically, different ethnic and racial groups have encountered barriers to full access to home mortgage lending. Typically, these barriers were identified by higher rejection and failure rates for loan applications. In other instances, ethnic and minority groups have been steered to government-insured FHA (Federal Housing Administration) loans when they could have qualified and benefited from conventional loans in the private market. The Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), the two federally-chartered secondary market enterprises that stimulate the mortgage markets by purchasing loans, are charged by the government with reaching specific goals for serving both affordable and minority housing markets with conventional loans. This indicates the clear policy goal of reaching as many borrowers as possible through private conventional markets.

As the market of sub-prime lending has grown, studies by the U.S. Department of Housing and Urban Development and other researchers, as well as many lawsuits, have raised the concern that ethnic and racial groups have been unfairly steered to these higher interest rate products when they could have been served by either conventional prime loans or FHA lending. Thus, the key concerns presently raised about barriers to fair lending include both the impediments to access to conventional prime loans and the infusion of FHA and sub-prime lending into minority markets. Accordingly, this analysis of barriers to full access to mortgage lending focuses on the issues of access to conventional prime loans and steering to FHA and sub-prime loans in both the home purchase and refinance markets.

### **2006 Home Lending Analysis for Miami Gardens, FL**

HOPE, Inc. engaged the services of the National Community Reinvestment Coalition (NCRC) to conduct a portfolio and market share analysis using 2006 Home Mortgage Disclosure Act (HMDA) data with the following specifications for Miami Gardens, FL: all single family (ASF) lending, conventional and government-insured, loans to owner-occupants, and first-lien loans. All single-family loans include loans for home purchase, home improvement, and refinances.

For the portfolio share analysis, NCRC evaluated the prime (or market-rate) and subprime (or high-cost) lending performances by gender; race and ethnicity of borrower (i.e. white non-Hispanic, African American, Asian, or Hispanic); by income level of borrower (low- and moderate- income, or LMI, and middle- and upper-income, or MUI); by income level of census tract (LMI or MUI neighborhood); and by minority level of census tract (substantially minority or substantially white census tract). High-cost loans are those with the price information reported under the Home Mortgage Disclosure Act (HMDA). For more information about HMDA, please visit [www.ncrc.org](http://www.ncrc.org). Lending patterns were then compared to the demographics of Miami Gardens to illustrate potential lending disparities.

The market share analysis compares the portion of high-cost loans made to a particular borrower group to all loans (market-rate loans plus high-cost loans) made to that same borrower group. The disparity ratio illustrates how much more often lenders made high-cost loans to one borrower group compared to another.

Market-rate loans are loans made at prevailing interest rates to borrowers with good credit histories. High-cost loans, in contrast, are loans with rates higher than prevailing rates made to borrowers with credit blemishes. The higher rates compensate lenders for the added risks of lending to borrowers with credit blemishes. While responsible high-cost lending serves legitimate credit needs, public policy concerns arise when certain groups in the population receive a disproportionate amount of high-cost loans. When high-cost lending crowds out market-rate lending in traditionally underserved communities, price discrimination and other predatory practices become more likely, as residents face fewer product choices.

### Portfolio Share Analysis of All Single Family Lending in Miami Gardens

While comprising about 20 percent of the households in Miami Gardens, FL, according to the Census 2000, Hispanic borrowers received 28.4 percent of prime and 29.5 percent of all high-cost loans in the area in 2006. As a comparison, white non-Hispanic borrowers, whose share of the Pima County households was fewer than 10 percent, received 8.6 percent of all prime and 6.7 percent of all high-cost loans. Thus, white non-Hispanic borrowers received a smaller portion of prime and an even smaller portion of high-cost loans, as compared to their share of Miami Garden's households, while Hispanics received a significantly larger portion of both prime and high-cost loans than their share of households in the area (See Attachment 4- Table 1 and Chart 1a).

African-American borrowers comprised the largest share of households (67 percent) in Miami Gardens, according to Census 2000. Further, this borrower group received a small portion of both prime and high-cost loans, as compared to their percentage of the city's households (i.e. 62.4 percent of prime and 64.8 percent of high-cost loans). Asian borrowers, on the other hand, comprised the smallest share of Miami Gardens' households (1 percent) while receiving a higher portion of prime loans (1.4 percent) and a smaller portion of high-cost loans (0.5 percent) than their share of households in the city.

Low- and moderate-income (LMI) borrowers, or borrowers whose income is less than 80 percent of the MSA median income, received a significantly lower portion of both prime and high-cost loans with respect to their portion of the city's households. Though LMI borrowers accounted for over 41 percent of all households in Miami Gardens, they received only 15.9 percent of prime and 12.7 percent of high-cost loans in 2006.

On the other hand, middle- and upper-income (MUI) borrowers, or borrowers whose income is greater than 80 percent of the MSA median income, received a significantly greater portion of both prime and high-cost loans with respect to their portion of Miami Gardens' households. MUI borrowers accounted for about 59 percent of all households while receiving 84.1 percent of all market-rate single-family loans and 89.7 percent of all high-cost loans in 2006 (See Attachment 5- Table 2a and Chart 2a).

In the City of Miami Gardens, all of the owner-occupied units were located in predominantly minority census tracts, or tracts that are 50 to 100 percent minority (See Attachment 8- Table 5a.).

The disproportional distribution of market-rate and high-cost loans between LMI and MUI census tracts was similar to the trends observed for LMI and MUI borrowers. Of the owner-occupied housing units in the city, 25 percent were located in LMI census tracts, or tracts with a median income that is less than 80 percent of the MSA median income. Lenders originated only 16.6 percent of their market-rate single-family loans and 21.6 percent of their high-cost loans to borrowers in LMI tracts. MUI census tracts, on the other hand, contained about 75 percent of the city's owner-occupied housing units, while their residents received 83.4 percent of the market-rate and 78.4 percent of the high-cost loans originated in Miami Gardens in 2006 (See Attachment 7- Table 4a.).

### Market Share Analysis of All Single Family Lending in Miami Gardens

The share of high-cost loans out of all loans originated to Hispanics and African-Americans was greater than for white non-Hispanic borrowers. African American borrowers were 1.14 times more likely than white non-Hispanic borrowers to receive a high-cost loan (this ratio is calculated by dividing the percent of all loans to African Americans that were high-cost, 57.3 percent, by the percent of all loans to white non-Hispanic borrowers that were high-cost, 50.2 percent). Similarly, Hispanic borrowers were 1.34 times more likely to receive a high-cost loan than their white non-Hispanic counterparts (See Attachment 4-Table 1b and Chart 1b.).

Surprisingly, LMI borrowers were less likely to receive a high-cost loan than MUI borrowers (this is 47 percent divided by 59 percent). (See Attachment 5- Table 2b and Chart 2b)

Borrowers in LMI tracts were 1.14 times more likely to receive high-cost loans than borrowers in MUI tracts (calculated by dividing 62.98 percent by 55.11 percent). (See Attachment 7- Table 4b)

Finally, Attachment 8- Table 5b shows that during 2006, the proportion of all loans originated to borrowers in minority neighborhoods that were high-cost (56.4 percent) was larger than the proportion of all loans originated to the same borrower group that were prime (43.4 percent).

### Denial Disparity Analysis

As indicated in Table 1c and Chart 1c, African-American borrowers in Miami Gardens were denied ASF loans 27.9 percent of the time, while white non-Hispanic borrowers were rejected 25.8 percent of the time. In other words, African-Americans were denied loans 1.08 times more often than white non-Hispanic borrowers (calculated by dividing

27.9 percent by 25.8 percent). Further, Hispanic borrowers were almost as likely to be denied ASF loans as were white non-Hispanic borrowers (i.e. Hispanics were denied loans 1.01 times more often than whites).

LMI applicants were more likely to be denied a single-family loan compared to MUI borrowers. LMI borrowers were denied loans 1.25 times as often as more affluent borrowers (Attachment 5- Table 2c and Chart 2c).

Consistent with the above trends, residents of LMI tracts were about 1.2 times as likely to be denied a single family loan, as compared to MUI tract residents (See Attachment 7- Table 4c.).

Finally, Attachment 6- Table 3 displays an analysis of lending by gender. Generally speaking, there were no great disparities in home lending when gender was considered.

### **Fair Housing Implication:**

**Disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer education regarding lending processes and avoiding abusive practices.**

## **D. Housing, Neighborhood Revitalization, Transportation--Needs and Obstacles**

*(City of Miami Gardens Consolidated Plan 2006-2011 and Comprehensive Development Master Plan- Housing Element)*

Miami Gardens is an urban community that is 93% built out with a forecasted 8% increase in population growth by 2010. The City experienced a tremendous increase in housing prices and rental rates between 2000 and 2006, reducing the availability of affordable housing for the community-at-large and for its low to moderate income residents particularly. The recent cycle of natural disasters throughout the country has created a critical shortage of both labor and materials, driving up the cost of construction. These factors, coupled with the development pressure from private industry, have and will continue to make affordable housing a difficult issue to address with limited funding. In light of these facts, the City will need to be innovative and leverage partnerships to maximize its ability to implement various housing programs.

As a new municipality, the City of Miami Gardens is working to secure additional funding streams to enhance its CDBG programs, ie., HOME program funds.

The City of Miami Gardens Department of Community Development utilizes the grant funds it receives from the federal and state government sources to aid in the development of a viable urban community. The primary objective of this department is

to provide decent housing, a suitable living environment and the expansion of economic opportunities for the neediest. The Department serves the City's very low, low and moderate income residents by carrying out a wide range of community development housing activities such as Homeownership Assistance, Housing Rehabilitation and Emergency Housing Rehabilitation.

The Housing Rehabilitation Program utilizes Federal and State funds. The following Statutes and Regulations govern the program and are the source of the policies in this document.

CDBG Program (Community Development Block Grant):

Federal Statute: Title 1- The Housing and Community Development Act of 1974. 42 U.S.C.-5301

Regulations: 24 CFR 570

SHIP Program (State Housing Initiative Partnership):

Florida Statute: Chapter 420.907

Regulations: Florida Housing Finance Corporation Rule Chapter 67-37

Housing Rehabilitation Program

The program provides forgivable loans to low income homeowners in the City of Miami Gardens on a first-come, first-served, first-ready basis to make necessary repairs to their properties.

Emergency Rehabilitation Program

The Department will provide a forgivable loan for the intent to remedy an Emergency Condition that are of eminent danger to the household members. The terms will be the same as those for the Rehabilitation Program.

Disaster Recovery Program

The Department will provide a forgivable loan to remedy any damages caused by the 2005 Hurricanes or to harden the home for impact from future hurricanes.

Replacement Home Program

The Replacement Homes Program is designed to address substandard and dilapidated housing units where the repairs needed cannot be addressed through the Housing Rehabilitation Program due to cost versus existing home value. This program involves the demolition of the existing home and the construction of a new 3 bedroom 2 bath house on the same lot.

Homeownership Assistance Program

The Homeownership Assistance will provide a modest level of subsidy that could be leveraged against other programs within the County to increase homeownership

opportunities to assist low-to-moderate income first time homebuyers. The City of Miami Gardens underwrites the loan based on the first mortgage lender's commitment.

## **Partnerships**

### Approved Lending Partners

The Department of Community Development partners with several local lenders.

### Homebuyer Counseling Agencies

The U.S. Department of Housing and Urban Development has approved several agencies located in the City of Miami Gardens to provide various types of counseling services to City Residents. These services include but are not limited to Homebuyer Education Courses, Money Debt Management, Post Purchase Counseling and Predatory Lending.

## **Transportation**

*(City of Miami Gardens Comprehensive Development Master Plan- Transportation Element)*

Miami Gardens is centrally located in the region. The boundaries are from I-95 and NE 2nd Avenue on the East; NW 47th Avenue and NW 57th Avenue on the west; County Line Road on the north; and NW 151st Street on the South. This location at the boarder of Miami-Dade and Broward Counties, makes Miami Gardens extremely accessible, and a viable residential and business destination. The city is easily accessed by I-95, the Palmetto Expressway (SR 826), the Florida Turnpike, as well as numerous other county and state surface roads that form a relatively uninterrupted grid through the City.

There are many levels of connectivity in Miami Gardens, from major interstates, regional rail transit, and sub regional county and state roads, to prevalent pedestrian and bicycle facilities. The CSX tracks, located along the southeast boundary of the City, are the only rail facility located within the City of Miami Gardens. The tracks carry the TriRail trains through the Golden Glades Interchange between the Miami International Airport and west Palm Beach County. There are no airports or seaports within the City of Miami Gardens. However, the Opa-Locka Airport is located immediately adjacent to the City limits. There are no airports or seaports within the City of Miami Gardens. However the Opa-Locka Airport is located immediately adjacent to the City limits. Miami Dade County Transit Routes, twenty bus routes are sponsored by Miami Dade Transit plus two by Broward County Transit (not shown on map) for a total of twenty-two (22) existing routes.

In Miami Dade County, employment centers are connected to residential areas primarily by the roadway network. There are limited transit options. Most people live miles from where they work, and must take one of few connecting routes to get there. Additionally

there is a feeling that the bus transit does not adequately service the local community. There is a call for a community circulator. Many communities in Miami Dade County have their own circulator systems. Several such systems in North Miami Dade County are linking their systems at key locations. These include North Miami Beach, Aventura, Bal Harbor, North Miami and Surfside. A review of the bus routing reveals that most of the routes also move through the community connecting with other destinations. Most of the major roadways have bus routes on them. The routing is regional in nature. This may require several transfers for a rider to reach an in-city destination. A circulator may help in this respect.

Overall Miami Gardens is highly accessible with the automobile bus and rail transit.

## **E. Public and Assisted Housing**

### **Public Housing**

*(City of Miami Gardens Consolidated Plan 2006-2011)*

The Miami-Dade Housing Agency (MDHA) is the primary agency that provides public housing services within the City of Miami Gardens. The MDHA functions under the direction of the Miami-Dade County Board of County Commissioners, and is staffed by County employees. This agency provides services countywide and within the City of Miami Gardens in particular. The MDHA functions as a unit of County government. The City of Miami Gardens does not have the power to appoint members to the "board", hire staff, procure services, or direct capital projects.

The Miami Dade Housing Agency (MDHA) Provides a variety of affordable housing through programs supported through the administrations of the HUD Public Housing program in Miami Dade County. The Public Housing Division of the Miami Dade Housing Agency has as its primary administrative function the Public Housing program. MDHA is the ninth largest public housing agency in the nation. It provides federal subsidies for 186 units in the City of Miami Gardens and over 10,000 units countywide of public and other assisted housing. MDHA manages and maintains 18,000 vouchers and other subsidies for private housing for low- and moderate-income residents of the County; it offers limited supportive services and programs to improve the quality of life and general environment of public housing residents; and coordinates most of the County's affordable housing programs, including the infill housing initiative.

It is the purpose of the Miami Dade Housing Agency to manage, maintain and improve over 10,000 units of County-owned, federally subsidized and mixed use housing; facilitate provision of supportive services and programs to improve the quality of life and general environment of public housing residents; coordinate contracting for over 17,000 units of privately-owned low- and moderate-income housing, ensuring safe, decent

housing; provide mortgages to low- to moderate-income working families for homeownership and loans to developers for building affordable housing; develop in-infill properties for low- to moderate-income families homeownership.

The types of public/assisted housing structures range from single family homes scattered throughout several residential communities, duplexes, town homes, multi family structures, and mid and high rise structures that are supported by complex building support systems, including but not limited to emergency generators, elevators, heating systems for water and air, domestic water pumps, life safety and other emergency support devices.

There are several renter-occupied housing developments within the City using federal, state or local subsidy programs. Currently, the City has six public housing rental properties, containing a total of 186 units, operated by MDHA. A majority of the MDHA units in the City of Miami Gardens are dedicated to families, as indicated in the table below.

**MDHA Housing Units in the City of Miami Gardens**

<b>Name</b>	<b>Address</b>	<b>Units</b>	<b>Type</b>
Vista Verde	FHA Scattered Homes	30	Family
Miami Gardens Apts.	NW 183 St. /22 Avenue	45	Family
Opa-Locka Family C	1802-2113 NW 151 St.	9	Family
Palmetto Gardens	16850 NW 55 Avenue	40	Elderly
FHA Homes Miami-Dade County	Scattered Homes	10	Family
Venetian Gardens	16100 NW 37 Avenue	52	Family
<b>Total Units</b>		<b>186</b>	

Source: Miami Dade Housing Agency – Public Housing Division

According to MDHA, the physical condition of the units at the present time is good. The units are inspected, ranked and scored annually by the contract inspectors for US HUD and by the Real Estate Assessment Center. The scores represent the conditions found at the property regarding exterior building, site conditions, common areas, and health and safety findings of the inspection team.

Maintenance and repairs needed are completed to meet Housing Quality Standards established by US HUD. There are other local and federal regulatory standards that have to be met for the annual recertification of the units and continued occupancy by residents within the housing program. Certified staff provides property management, inspections, maintenance, and emergency response (i.e. hurricane preparation and recovery efforts) to the properties.

Contract services are also utilized to provide support and maintenance of major equipment, including elevator & generator service, lawn maintenance, domestic garbage collection, and contract renovations.

The MDHA has three renovation projects that affect public housing development in the City of Miami Gardens. These renovations are scheduled for Vista Verde, the Opa-Locka Family development and the Miami Gardens Apartments. MDHA has obtained approval from US HUD to sell 21 units of the Vista Verde public housing development. Funding for the repair of the units in the Vista Verde sub-division includes the renovation of two homeownership units. In addition, the agency recently received approval for the disposition sale of the twenty-six units in the FL 5-074 Opa-Locka Family development. The units will be offered for sale as authorized by US HUD, first being offered to the existing/current residents with qualification requirements and assistance through credit counseling and finance assistance. Nine of the homes in the development fall inside the City limits along the north side of 151<sup>st</sup> Street, adjacent to the area known as the triangle. The final project is located within the Miami Gardens Apartments, which is a 45-unit town home development.

According to the data obtained from the Miami Dade Housing Agency, the City of Miami Gardens has 4,081 applicants on the waiting list for Public Housing and 4,370 applicants on the waiting list for Section 8 vouchers. The table below illustrates the characteristics of the applicants current on the waiting list residing within the zip codes that include the City of Miami Gardens (some zip codes cross into surrounding jurisdictions).

**Miami Dade Housing Agency Wait List City of Miami Gardens Applicants**

Demographic	Public Housing		Section 8	
	Percentage	Count	Percentage	Count
White	10%	420	11%	488
Black	88%	3,590	87%	3,808
Native American	0.34%	14	0.32%	14
Asian	0.12%	5	0.14%	6
Other	1%	52	1%	54
Disabled	5%	214	7%	293
Age 0-25	22%	892	21%	936
Age 26 -50	43%	1,745	42%	1,831
Age 51-75	7%	307	10%	422
Age 76+	1%	38	1%	63
<b>Waiting List Totals</b>		<b>4,081</b>		<b>4,370</b>

*Source: Miami Dade Housing Agency, 05/06*

Persons with Disabilities- Section 504

MDHA is currently under a voluntary compliance agreement with the Department of Justice and US HUD for compliance with Section 504 of the Uniform Federal Accessibility Standards (U.F.A.S.). This effort will bring into compliance all properties

within the Public Housing portfolio as determined by survey and economic feasibility that will be certified to meet the standards and tolerances established by the Standard.

The MDHA has adopted a strategy in its Annual Plan for FY 2006-2007 to address Section 504 Needs. The strategy is to target available assistance to families with disabilities. To do this, the MDHA will carry out modifications needed in public housing based on Section 504 need assessment; apply for special purpose vouchers targeted to families with disabilities; and affirmatively market local non-profit agencies that assist families with disabilities.

### Homeownership

The MDHA encourages public housing residents to become more involved in the management of the development and to participate in homeownership through its Family Self-Sufficiency Program. The program has 483 participants, which includes both Public Housing and Section 8 Voucher program recipients. As of September 2005, there were approximately 53 public housing and 150 Section 8 program participants with escrow balances.

MDHA has also implemented a Section 8 homeownership program to provide Section 8 participants the opportunity to purchase a home. The housing agency also offers a variety of homeownership programs to low and moderate-income families through its Development and Loan Administration Division, and New Markets Division. Programs include Surtax, State Housing Initiative, HOME, and infill programs.

## **F. Homelessness**

### *(City of Miami Gardens Consolidated Plan)*

The Miami-Dade County Community Homeless Plan called for the creation of a coordinating body, the Miami-Dade Homeless Trust, to ensure the implementation of the Plan, administer the proceeds of the food and beverage tax and other resources identified by the Trust for the continuum, and serve in an advisory capacity to the Board of County Commissioners on all issues relating to homelessness. Created in 1993, the Trust built upon the broad-based representation of the local task force responsible for developing the plan and has a 27-member board that is composed of representatives of key stakeholders in the planning and delivery of homeless housing and services in the County.

As required by HUD, each jurisdiction must develop a local continuum of care plan. The City of Miami Gardens, in partnership with the Trust, operates under the Miami-Dade County Community Homeless Plan. The Trust serves as the lead agency implementing a countywide strategy to serve homeless individuals and families throughout the community. The Trust pools the Entitlement Jurisdiction funds for all of Miami-Dade

County to fund a wide variety of Homeless Assistance programs. The City of Miami Gardens along with the cities of Miami, Miami Beach, Hialeah, and North Miami has joined in partnership with the Miami-Dade County Homeless trust to provide countywide Homeless Assistance Services.

The Homeless Trust, in partnership with the City of Miami Gardens, bases their determination of homeless needs on countywide homeless census reports done twice yearly. The last census was conducted in January 2006, and was the lowest point-in-time census in the history of the Homeless Trust with 5,160 homeless people in the County: 1,989 on the streets and 3,171 in Emergency and Transitional Housing. The countywide system of care serves approximately 10,000 homeless men, women, and children per year, with approximately 50% placed into permanent housing as a result of a system-wide strategy to end homelessness.

Data in the Homeless Trust’s Homeless Management Information System indicates that 27% of the homeless counted in January 2006 were homeless families and 9% has served in the U.S. military. The table below illustrates additional characteristics of homeless individuals and families countywide.

**2006 Characteristics of Homeless - Countywide**

<b>Sex</b>	
Male	59%
Female	39%
Unknown	2%
<b>Age</b>	
Children - under age 18	28%
Adults - 18 to 60	65%
Elderly - 60 and older	4%
Unknown	3%
<b>Race</b>	
American Indian/Alaskan Native	0%
Asian	0%
Black/African American	59%
White	32%
Native Hawaiian/Other Pacific Islander	0%
Other; Multi-Racial	7%
Unknown	2%
<b>Disabling Conditions</b>	
Physical	1%
Developmental Disability	0.1%
Mental Health	26%

As a part of its Annual Shelter Count Plan, the Homeless Trust has been conducting two homeless counts per year since 1997. The point-in-time data collection date used to

complete Part 1 and 2 of the Homeless Population and Subpopulation Chart was January 27, 2006. A total of 127 people, consisting of 43 outreach workers, 66 volunteers, and 18 police officers, participated in the count. The next counts are scheduled for summer 2006, January 2007 and so on. In addition to the bi-annual census, Homeless Management Information System (HMIS). Sheltered Census data is emailed daily to the entire Miami Dade Continuum of Care.

In January 2006, information regarding sub-populations was also collected from all Continuum of Care (CoC) providers via a point-in-time survey that netted results for sub-population information representing over 2,000 homeless individuals and families. All providers received training on the survey instrument and all surveys were submitted to the Homeless Trust.

The response rate for the surveys was 25% of the countywide sheltered population. The percentages of sub-populations, which were obtained based on outreach, emergency and transitional housing, and supportive services, were as follows:

- 21% chronically homeless,
- 29% seriously mentally ill,
- 25% chronic substance abuse,
- 10 % veterans,
- 5% persons with HIV/AIDS,
- 5% domestic violence, and
- 3% youth

Thus, current sub-population data for emergency, transitional, and unsheltered populations can be estimated based on this statistically significant sample of over 2,000 people. To determine the sheltered subpopulation numbers, the percentages noted above applied to the latest sheltered homeless population count. The table below provides further data on the homeless sheltered and unsheltered populations.

All information regarding unsheltered sub-populations was also collected from Continuum of Care Outreach providers via a point-in-time survey, which was analyzed in the same method as our sheltered population. To determine the current unsheltered subpopulation numbers, the previous year percentages of 27% chronically homeless, 23% seriously mentally ill, 35% chronic substance abuse, 23 % veterans, 10% persons with HIV/AIDS, 5% domestic violence, and 6% youth were used. These percentages were applied to the unsheltered homeless population at the time of the 2006 homeless census which accounted for over 271 unsheltered homeless individuals and families.

## Population and Subpopulation

<b>Continuum of Care Homeless Population and Subpopulations Chart</b>				
<b>Part 1: Homeless Population</b>	<b>Sheltered</b>		<b>Un-sheltered</b>	<b>Total</b>
	Emergency	Transitional		
1. Homeless Individuals	777	854	1,810	3,441
2. Homeless Families with Children	144	237	45	426
2a. Persons in Homeless with Children Families	591	949	179	1,719
<b>Total (lines 1 + 2a)</b>	<b>1,368</b>	<b>1,803</b>	<b>1,989</b>	<b>5,160</b>
<b>Part 2: Homeless Subpopulations</b>	<b>Sheltered</b>		<b>Un-sheltered</b>	<b>Total</b>
1. Chronically Homeless		342	2,567	2,909
2. Severely Mentally Ill		583	0	583
3. Chronic Substance Abuse		503	0	503
4. Veterans		201	0	201
5. Persons with HIV/AIDS		80	0	80
6. Victims of Domestic Violence		291	0	291
7. Youth (Under 18 years of age)		60	0	60
<b>TOTAL</b>		<b>2,060</b>	<b>2,567</b>	<b>4,627</b>

Individuals and families who are at risk of homelessness are served through a countywide Homeless Helpline, which provides case management, rental, mortgage and utility assistance to those at risk of homelessness. This category includes people who are facing eviction, living doubled up, or are un/underemployed. The Miami Dade Homeless Trust does not provide estimates of at risk populations.

### Priorities

The City of Miami Gardens has mirrored the priorities of the Homeless Trust as our regional service provider. The table below outlines the relative priorities of various categories of homeless needs within the Continuum of Care. Activities which are identified as “Medium” priorities are those which will likely receive Consolidated Plan funding if the applicable formula grants to the City of Miami Gardens are increased during the next five years and. Activities that receive a “Low” priority will not receive Consolidated Plan funding over the next five years without an amendment to this Consolidated Plan.

A “Low” rating does not necessarily diminish the importance of these activities or indicate that there is no need for them in the City. Many activities that are assigned a “Low” priority for CDBG funding are nevertheless important needs for the community or high priorities for other sources of funding. Some activities receive “Low” ratings if the funds that are potentially available under the Consolidated Plan programs would be insufficient to have a meaningful impact on these needs or adequately funding them would result in minimal output or outcome accomplishments relative to the amount of

funds expended at the expense of other priority programs.

### Homeless Needs Funding

Housing Continuum of Care	Individuals	Families	Funding source
Emergency Shelter	Low	Low	Other, County
Transitional Housing	Low	Low	Other, County
Permanent Supportive Housing	Medium	Medium	Other, County
Chronically Homeless	Medium	Medium	Other, County

Each year the Homeless Trust meets with all of its entitlement partners to establish funding priorities for the upcoming year. The City of Miami Gardens, in partnership with the Miami Dade Homeless Trust, established the priority homeless needs that are identified in this plan.

Miami Dade County needs 831 beds to serve the chronically homeless. The County currently has 342 beds available, leaving a gap of 489 beds to serve this population. The Trust, in partnership with the City of Miami Gardens, has given high priority to addressing the problems with the chronically homeless population, and has adopted measurable goals to approach the problem.

### G. Planning and Zoning/Building Codes (Accessibility)

A survey composed of suggested questions from HUD's Fair Housing Planning Guide was completed by the staff of the Planning & Zoning and Community Development Departments. The following summarizes the information obtained from the survey:

#### Planning and Zoning

There are concentrations of low- and moderate- income housing in the City of Miami Garden's geographical area. Current zoning and other policies and procedures have had a neutral effect on the existence of such concentrations for the past five years. The City is currently evaluating whether there is a concentration of subsidized housing relative to neighboring areas. The City considers the impact of its zoning ordinance(s), building codes, and other land use policies on the provision of lower-income housing to be similar to that of most other jurisdictions in the region. Zoning regulations permit medium- and high- density for vacant land that can developed within the city's geographical area and is not limited to only low-density housing (and accompanying

high cost). The City is currently in the process of developing incentives to promote mixed-income housing development.

The City's requirement for minimum street frontage, front yard setbacks, side yard dimensions or amenities, or for offsite improvements such as restrictions on the level of density that is possible for new housing development limit affordability to higher-income households. Zoning requirements typically favor conventional single family homesite designs over cluster development. Conventional single family zoning has been in place for 50-60 years for most of the city.

### Building Codes (Accessibility)

Florida's building code has incorporated the accessibility provisions of the most recent edition of the American National Standards Institute A117.1 and Usable Building and Facilities and model building codes, applicable to all jurisdictions in the state.

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

### **A. Identified Impediments to Fair Housing Choice**

Having completed its examination of all available data, inclusive of surveys and testing results, personal interviews and meetings, HOPE, Inc. concludes that there are five (5) impediments to fair housing choice evident in the City of Miami Gardens and proposes the implementation of the following work-plan to address and correct the identified impediments:

1. Violations of federal, state, and local fair housing laws in the jurisdiction and immediate surrounding areas
2. Lack of awareness of fair housing laws, issues and resources
3. Racial disparities in fair and equal lending
4. A strongly segregated housing market
5. Limited funding availability for the creation of affordable housing opportunities

## B. Fair Housing Plan

<b>GOAL #1 REDUCE INCIDENCE OF HOUSING DISCRIMINATION</b>				
<b>Fair Housing Activities</b>	<b>Action/Agreement required</b>	<b>Measurable Results</b>	<b>Program/Staff Responsibility</b>	<b>Time Period for Completion</b>
Provide fair housing education and outreach workshops to housing providers to foster compliance with federal, state, and local fair housing laws	Develop or update training curriculum and coordinate efforts housing providers	Number of completed workshops/trainings and number of individuals reached	Community Development Or Sub-recipient/contractor	
Support private enforcement of fair housing laws	Partner with local public and private fair housing agencies to coordinate most effective means of processing and referring complaints	Number of complaints referred and/or resolved	Community Development Or Sub-recipient/contractor	
Provide fair housing and affirmative marketing training to all recipients receiving City funds for housing related and community based projects and monitor compliance, where appropriate	Identify participants, develop training curriculum, and collect materials to be distributed	Increased access to housing opportunities funded by the City	Community Development Or Sub-recipient/contractor	
<b>GOAL #2: EDUCATE THE COMMUNITY ABOUT IT'S RIGHTS AND RESPONSIBILITIES TO FAIR HOUSING</b>				
<b>Fair Housing Activities</b>	<b>Action/Agreement required</b>	<b>Measurable Results</b>	<b>Program/Staff Responsibility</b>	<b>Time Period for Completion</b>
Disseminate a fair housing media campaign	Submit PSA's in local TV/Newspapers, tap local cable highlighting local, state and national fair housing news	Increased awareness demonstrated by logged number of complaints by the general public	Community Development Or Sub-recipient/contractor	
Appoint a committee interact with local media	Select appropriate staff, community members and reps. from housing industry to serve on committee	Formation of committee and implementation of recommendations	Community Development Or Sub-recipient/contractor	

Implement a fair housing media campaign	Provide public service announcements, and community forums on public radio and television (including the City television network)	Increased number of residents served	Community Development Or Sub-recipient/ contractor	
Educate City Council members and City employees regarding responsibility to affirmatively further fair housing	Identify categories of government employees who should receive fair housing training	Local jurisdiction awareness of fair housing laws to encourage identification and reporting or discrimination	Community Development Or Sub-recipient/ contractor	
Conduct an annual community-wide fair housing event	Partner with other jurisdictions and community groups and coordinate event	Heightened awareness of fair housing rights and responsibilities	Community Development Or Sub-recipient/ contractor	

**GOAL #3: REDUCE DISCRIMINATORY AND ABUSIVE PRACTICES IN LENDING**

<b>Fair Housing Activities</b>	<b>Action/Agreement required</b>	<b>Measurable Results</b>	<b>Program/Staff Responsibility</b>	<b>Time Period for Completion</b>
Reduce differences in the market penetration for various racial and ethnic areas	Examine disparities and create a plan to rectify the differences	Decreased differences in market penetration amongst racial and ethnic minorities	Community Development Or Sub-recipient/ contractor	
Implement a publicity campaign	Provide public service announcements, and community forums to public radio and television (including the county and municipal television channels)	Increased number of residents served	Community Development Or Sub-recipient/ contractor	

**GOAL #4 PROMOTE INTEGRATION AND DIVERSITY WITHIN THE CITY OF MIAMI GARDENS**

<b>Fair Housing Activities</b>	<b>Action/Agreement required</b>	<b>Measurable Results</b>	<b>Program/Staff Responsibility</b>	<b>Time Period for Completion</b>
Provide technical assistance training in affirmative marketing to recipients of administered funds for development	Identify and require recipients to participate in training; contract with local fair housing agency to provide training	Training provided to City-funded recipients	Community Development Or Sub-recipient/ contractor	

Provide fair housing training for city government staff, community advocates, housing providers and financial institutions	Identify and coordinator perspective participants and contract with local fair housing center	Educational workshops provided for various community groups	Community Development Or Sub-recipient/ contractor	
Provide multi-language format presentations to community members	Identify locations to provide workshops and contract with local fair housing center	Increased awareness on the part of residents.	Community Development Or Sub-recipient/ contractor	

**GOAL #5: PROVIDE MORE AFFORDABLE HOUSING**

<b>Fair Housing Activities</b>	<b>Action/Agreement required</b>	<b>Measurable Results</b>	<b>Program/Staff Responsibility</b>	<b>Time Period for Completion</b>
Encourage housing providers to participate in Section 8 program	Identify local housing providers and arrange to meet and explain the benefits of participating in the Section 8 program.	Increased number of landlords that participate in the program	Community Development Or Sub-recipient/ contractor	
Provide information and technical assistance on housing development programs	Provide training or contract for professional services	Increase in affordable housing development	Community Development Or Sub-recipient/ contractor	
Emphasize mixed income housing in all neighborhoods	Select neighborhoods being targeted for redevelopment	Increase in racially, ethnic economically and diverse neighborhoods	Community Development Or Sub-recipient/ contractor	
Support pre-purchase counseling programs	Provide training or contract for professional services	Increased diversity in City	Community Development Or Sub-recipient/ contractor	

**VII. SIGNATURE PAGE**

Reviewed and accepted this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.