

**CITY OF
CLARKSVILLE, TENNESSEE**



**ANALYSIS OF IMPEDIMENTS
TO
FAIR HOUSING CHOICE**

FEBRUARY 2012

**PREPARED BY
THE CLARKSVILLE OFFICE OF HOUSING
AND COMMUNITY DEVELOPMENT**

With the assistance of

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1) INTRODUCTION

PURPOSE OF REPORT

The Fair Housing Act of 1968 states that it is the policy of the United States to provide for fair housing throughout the country and the Act prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including or otherwise making unavailable or denying a dwelling to any person because of race, color, religion, sex, national origin, handicap, or familial status. The State of Tennessee echoes such goal and has also adopted legislation protecting equal access to housing.

Nationally, fair housing and impediments to fair housing are monitored by the United States Department of Housing and Urban Development (HUD) through the use of Community Block Development Grant (CDBG) funding for fair housing advocacy groups. This role of HUD to act as an administrator of fair housing programs originated in 1968 with the passage of the Civil Rights Act, described below. As a qualified entitlement jurisdiction, the City of Clarksville also receives HOME Investment Partnership Program (HOME) funds from HUD.

Each grantee which receives CDBG funding under Title I of the Housing and Community Development Act is required to further fair housing and fair housing planning by conducting an analysis to identify impediments to fair housing choice within those cities/communities within its jurisdiction. The grantee will also take appropriate actions to overcome the effects of any impediments identified and will maintain records which reflect the analysis and actions taken in this regard.

The City of Clarksville Office of Housing and Community Development (OHCD) has developed the following Mission Statement:

MISSION STATEMENT: The Mission of the City of Clarksville Office of Housing and Community Development is to bring needs and resources together in a coordinated housing and community development strategy to create, maintain and expand decent housing, suitable living environment and economic opportunities for low and moderate income persons in the City.

The City of Clarksville has consistently supported the concept of the provision of fair housing for its residents without regard to race, color, religion, sex, national origin, handicap, or familial status. To that end, the City has consistently used a portion of its CDBG funding to support programs of fair housing services for low and moderate income households. The fundamental fair housing goal is to make housing choice a reality through fair housing planning, which includes the following:

- Preparing an Analysis of Impediments to Fair Housing Choice (AI);
- Acting to eliminate identified impediments; and
- Providing fair housing records.

The purpose of this AI is to provide essential, specific, and detailed information and data to municipal officials and staff, policy makers, housing developers, lenders, and fair housing advocates. The AI helps build public support for fair housing efforts. This report represents Clarksville's efforts in making an objective assessment of the nature and extent of fair housing concerns in the City, and the potential impediments to making fair housing choice available to its residents.

The City's last AI was completed in 2006. This new AI considers the significant changes that have occurred since the development of the previous AI including the effects of population growth, an increasing diverse population, economic change with regard to jobs and the housing market, and the continued need for awareness, education and outreach about fair housing.

DEFINING FAIR HOUSING

Federal Laws

The federal Fair Housing Act of 1968 and Fair Housing Amendments Act of 1988 (42 U.S. Code §§ 3601-3619, 3631) are federal fair housing laws that prohibit discrimination in all aspects of housing, such as the sale, rental, lease or negotiation for real property. The Fair Housing Act prohibits discrimination based on race, religion, and national origin. In 1988, the Fair Housing Act was amended to extend protection to familial status and people with disabilities (mental or physical). In addition, the Amendment Act provides for "reasonable accommodations", allowing structural modifications for persons with disabilities if requested, at their own expense, and sets housing code standards for new multi-family dwellings to accommodate the physically disabled.

Discrimination against Families with Children and Persons with Disabilities are further defined:

Discrimination against Families with Children

Familial Status (often called "families with children") refers to a parent or another person having legal custody of one or more individuals under the age of 18 years. It refers also to a person who is pregnant or in the process of getting legal custody of a minor child. Families with children enjoy under the law the same protection against housing discrimination as other groups protected by the law. In only two instances, does the law permit, as exceptions, discrimination against families with children. Both exceptions pertain to so-called housing for older persons. Housing intended for and occupied solely by people 62 years of age or older and housing in which 80 percent of the units are intended for and occupied by at least one person who is 55 years of age or older do not need to comply with the law's familial status provisions. Discrimination against families with children manifests itself in many ways, the most common of which are in advertising (e.g. indications that rentals are for "no children" or "adults only"), restrictive occupancy standards that unreasonably limit the number of children who may occupy a given space, and steering of families with children to separate buildings or parts of buildings.

Provisions for People with Disabilities

The Fair Housing Act defines "handicap" (or disability) as:

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Special Protections

In addition to providing people with disabilities all of the protections against housing discrimination that are provided to members of the other six protected classes, the following provisions of the Fair Housing Act provide important additional protection.

The prohibition against discriminating in the terms and conditions of sale or rental prohibits a landlord from asking any questions of a person with a disability than would be asked of any other applicant. A landlord may not, for example, inquire about the nature or severity of a person's disability or ask whether that person is capable of living alone.

Reasonable Accommodations

It is unlawful to refuse to make such reasonable changes in rules, policies, practices and services, which may be necessary to afford a person with a disability an equal opportunity to enjoy and use a dwelling. These "reasonable accommodations" include such things as making an exception to a "no pets" policy for a person who needs a service animal and providing a reserved, designated parking place for a person with mobility impairment.

Reasonable Modifications

It is unlawful to refuse to permit a person with a disability to make, at his/her own expense, such reasonable changes in the premises as may be necessary to permit use and enjoyment of the premises. "Reasonable modifications" include such things as installing grab bars to facilitate use of bathroom facilities, cabinets lowered or the widening of a doorway to accommodate a wheelchair.

Full Accessibility of "New" Multi-family Housing

Multi-family housing constructed for first occupancy after March 13, 1991 (i.e. buildings consisting of 4 or more units) must be fully accessible to people with disabilities. If a building has an elevator, all units must be accessible; if there is no elevator, only "ground floor" units must be accessible. "Accessible" means: 1) There must be an accessible building entrance on an accessible route; 2) Public and common use areas must be readily accessible to and usable by people with disabilities; 3) All inside doors must be wide enough to accommodate a wheelchair; 4) There must be an accessible route into and through the dwelling; 5) Light switches, electrical outlets, thermostats and other environmental controls must be accessible; 6) Bathroom walls must be reinforced to allow later installation of grab bars; and 7) Kitchens and bathrooms must have enough space to permit maneuvering in a wheelchair.

Three significant changes to the Fair Housing Act were made. These changes are described briefly as follows:

- The Housing for Older People Act of 1995 (HOPA) made several changes to the 55 and older exemption. Since the 1988 Amendments, the Fair Housing Act has exempted from its familial status provisions properties that satisfy the Act's 55 and older housing condition. First, HOPA eliminated the requirement that 55 and older housing have "significant facilities and services" designed for the elderly. Second, HOPA establishes protection from damages for persons who in good faith believe that the 55 and older exemption applies to a particular property, if they do not actually know that the property is not eligible for the exemption and if the property has formally stated in writing that it qualifies for the exemption.
- Changes were made in the Act to enhance law enforcement, including making amendments to criminal penalties in section 901 of the Civil Rights Act of 1968 for violating the Fair Housing Act.
- Changes were made to provide incentives for self-testing by lenders for discrimination under the Fair Housing Act and the Equal Credit Opportunity Act. See Title II, subtitle D of the Omnibus Consolidated Appropriations Act, 1997, P.L. 104 - 208 (9/30/96)1. In addition, it is also illegal for anyone to threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right and advertise or make any statement that indicates a limitation or preference based on race, color, religion, national origin, familial status or handicap. Both intentional discrimination and unintentional actions or conditions that limit choice are also prohibited.

Tennessee Laws

It is the policy of the State of Tennessee to provide, within constitutional limitations, for fair housing throughout the state. The Tennessee Fair Housing Law is found at [Tenn. Code Ann. §§ 4-21-601 4-21-607](#). This act provides for fair housing based on race, color, creed, religion, sex, handicap, familial status or national origin. In addition, the Tennessee Uniform Residential Landlord and Tenant Act (T.C.A. Section 64-2801) addresses relations between landlord and tenant with the objective of (1) Simplifying, clarifying, modernizing and revising the law governing the rental of dwelling units and the rights and obligations of landlord and tenant; (2) encouraging landlord and tenant to maintain and improve the quality of housing; (3) promoting equal protection to all parties; and (4) making uniform the law in Tennessee. The statute has a number of exemptions and applies to municipalities with a population of over 68,000.

The entity with primary responsibility for addressing Fair Housing issues in the state is the Tennessee Fair Housing Council. This organization is a private, non-profit advocacy organization whose mission is to eliminate housing discrimination throughout Tennessee. Its enforcement program is based in Nashville and concentrates on Davidson, Cheatham, Dickson, Rutherford, Sumner, Williamson and Wilson counties. The Council provides education and advocacy on housing discrimination, and also takes complaints from individuals who believe they are experiencing or have experienced discrimination. Work with individual clients sometimes involves negotiating disability-related accommodations

with landlords, and on some occasions the Council provides legal representation to individuals who wish to file an administrative complaint or lawsuit.

Clarksville Ordinance

The City of Clarksville has had a Fair Housing and Equal Opportunity Ordinance in effect since 1986. The City does not currently have a fair housing agency, local contact person or investigative agency to assist persons who feel that their rights have been violated. The Legal Aid Society of Middle Tennessee and the Cumberland handles complaints filed in the City.

However, it should be noted that the City's Human Relations Commission is preparing to assume the duties associated with handling housing discrimination issues. Members of the Commission are learning about fair housing laws and policies, developing policies and procedures, as well as appropriate contacts, to address complaints and problems in this area.

Fair Housing Defined

In light of the various pieces of fair housing legislation passed at the federal and state levels, fair housing throughout this report is defined as follows:

Fair housing is a condition in which individuals of similar income levels in the same housing market having a like range of housing choice available to them regardless of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

Impediments Defined

Within the legal framework of federal and state laws and based on the guidance provided by the U.S. Department of Housing and Urban Development (HUD) Fair Housing Planning Guide, impediments to fair housing choice are defined as:

Any actions, omissions, or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or

Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, ancestry, national origin, religion, sex, disability, marital status, familial status, source of income, sexual orientation.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

Fair Housing and Affordable Housing

When talking about “fair housing” and “affordable housing” the two phrases are often used interchangeably. The concepts are distinct, but intertwined. However, it is important to distinguish between the two in order to clearly identify issues and reduce fair housing discrimination. The phrase “fair housing,” in the context of preparation of an Analysis of Impediments to Fair Housing Choice (AI), refers to persons (families, seniors, individuals, and special needs populations) who are members of protected classes, as specified by federal statutes. It is illegal to discriminate against person on the basis of their membership in a protected class in the sale, rental, financing, and insuring of housing. On the other hand, “affordable housing” generally refers to the ability of households to afford, based on income, to buy or rent housing. Specifically, most federal, state, and local funding programs to support the increase in the supply of affordable ownership and rental housing are targeted to low- and moderate-income households. Low-income households are defined by most of those publicly funded programs as earning less than 50 percent of the HUD determined area median income (AMI), with moderate-income households earning 50 to 80 percent of the AMI. In certain instances, affordable housing programs address households with greater incomes. The recently adopted Neighborhood Stabilization Program, for example, which focuses on foreclosed housing, has an income limit set at 120% AMI.

Because the two concepts are different, tools to address fair housing are distinguished from tools to increase the supply of affordable housing. One difference is that issues of discrimination regarding fair housing can apply to all income levels, because protected classes are represented in all income groups.

Clearly, there are many actions that can and should be taken that are directly aimed at elimination of discrimination against federally and locally protected groups in the selling, renting, financing, and insuring of housing, as recommended in this AI report. Those actions include: education of prospective homebuyers and tenants as to their rights to access to housing; and, enhancement of the system to study, receive complaints, investigate complaints, resolve complaints, and/or bring charges and prosecute violations of federal and local fair housing laws. While robust implementation of these actions will decrease discrimination in housing, it is not likely that such actions taken alone will eliminate housing discrimination.

Yet it is difficult to talk about addressing impediments to fair housing, and actions to eliminate discrimination in housing, without simultaneously talking about development of policies, plans, programs, and projects to increase the supply of affordable housing. Discrimination in housing will, in part, be reduced by the provision of housing opportunities and choices made affordable to all income groups in all communities, especially low- and moderate-income households.

Certain protected classes have disproportionate representation in the numbers of low- and moderate-income households in Clarksville, and so it is reasonable to expect that as the supply of affordable housing is increased in all communities of the City, greater numbers of protected class members will have access to housing without discrimination.

SCOPE OF ANALYSIS

This Analysis of Impediments (AI) to Fair Housing Choice provides an overview of laws, regulations, conditions or other possible obstacles that may affect an individual's or a household's access to housing. The AI involves:

- A comprehensive review of the laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws, regulations, policies, procedures, and practices affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

Geographic Area Covered

This report constitutes the AI for the City of Clarksville.

DATA AND METHODOLOGY

The following are key data sources used to complete this AI:

- 2010 U.S. Census and the 2005-2009 American Community Survey
- The City's Consolidated Plan, 2010-2015 and the 2011 CAPER
- Comprehensive Housing Affordability Strategy (CHAS) Data from HUD
- Housing Authority Plans
- U.S. Department of Housing and Urban Development (HUD)
- Home Mortgage Disclosure Act (HMDA) Data
- RealtyTrac and Trulia Housing Sales and Foreclosure Data
- U.S. Department of Housing and Urban Development (HUD), Fair Housing and Equal Opportunity Complaint Data
- The City of Clarksville 2006 Analysis of Impediments to Fair Housing Choice
- Housing Element of the Clarksville-Montgomery County Land Use Plan Update

Sources of specific information are identified in the text, tables and figures.

ORGANIZATION OF THE REPORT

The AI is divided into nine (9) chapters:

1. Introduction: Defines "fair housing" and explains the purpose of the report.
2. Community Participation: Describes the community outreach program.
3. Community Profile: Presents the demographic, housing, and income characteristics in the City of Clarksville
4. Fair Housing Practices: Identifies and explains the oversight of fair housing by both government and industry organizations

5. Lending and Complaint Data, Advertising: Assesses the nature and extent of fair housing complaints and violations, examines loan data and lending practices, and evaluates advertising
6. Public Policies and Practices: Analyzes public policies and actions that may impede fair housing within the City
7. Resident Survey and Focus Group Meetings: Analyzes results of the resident surveys and the focus group meetings
8. Fair Housing Accomplishments: Describes recent activities and accomplishments related to Fair Housing
9. Identified Impediments, Recommendations, and Action Plan: Describes the Impediments to Fair Housing Choice and summarizes AI findings regarding fair housing issues; provides recommendations for furthering fair housing choice and describes actions for implementation.

2) COMMUNITY PARTICIPATION

As with the development of the Consolidated Plan, this Analysis of Impediments to Fair Housing Choice (AI) results from a process of consultation and citizen participation, building upon existing participation mechanisms and venues. Citizens, not-for-profit organizations, and interested parties were afforded a variety of opportunities to:

- contribute during meetings, hearings and planning sessions,
- review and comment upon the participation plan, the Analysis of Impediments, and comments made about the Analysis,
- participate in public hearings,
- comment upon the plan and its amendments, and
- register complaints about the Analysis and its amendments.

The City complied with the citizen participation requirements of the regulations by doing the following:

- Preparing, adopting, and following a Citizen Participation Plan;
- Publishing informational notices about the document prior to public hearings;
- Holding public hearings in accessible places at convenient times after providing reasonable notice;
- Publishing a summary of the Analysis, describing its contents and purpose and a listing of locations where the entire document could be examined;
- Making the Analysis available for public examination and comment for a period of thirty (30) days before submission to HUD;
- Providing citizens, public agencies, and other interested parties reasonable access to records regarding any uses of any assistance for affordable and supportive housing that the City may have received during the preceding five years; and
- Considering the views and comments of citizens, and preparing a summary of those views for consideration with the submission.

The Office of Housing and Community Development staff conducted a well publicized, evening public meeting at the Public Library. In addition, the Office conducted four focus group meetings, inviting members of the Human Relations Commission, representatives from lending and financial services organizations, community service organizations, housing developers, and housing advocacy groups. A survey was completed by each attendee at the focus group meetings and was made available to City residents on the City Website. The availability of the survey was noted not only on the Website, but through a press release and PSA.

A public hearing to review the Analysis of Impediments was held on Thursday, February 2, 2012, following appropriate public notice, a copy of which appears in Appendix C. This meeting was held in the City Council Chambers. This meeting reviewed the basic elements of the AI. The floor was opened for comments and questions. At this meeting the City Council approved and executed the Analysis of Impediments to Fair Housing Choice and Resolution of Authorization.

3) COMMUNITY PROFILE

Fair housing is concerned with ensuring that: 1) all people are treated equally in the rental, sale, or occupancy of housing; and 2) a range in types and prices of housing is available. This chapter examines the population, housing, and special needs characteristics and trends in the City that may affect equal housing opportunity.

This Community Profile provides insights for identifying potential impediments to fair housing choice. While not definitive indicators of impediments to fair housing choice in and of themselves, these data may point to conditions or situations that could be indicators of impediments to fair housing choice. Observations about issues that **could** arise are made at the end of this section.

OVERVIEW

The City of Clarksville is located in the northwestern quadrant of the State of Tennessee on the Red River. The City, the fifth largest municipality in the State, is located 45 miles northwest of the State capital, Nashville, and is the core of the Clarksville-Hopkinsville Metropolitan Statistical Area, as well as the County seat of Montgomery County. Surrounded by active farms and timberlands, Clarksville is the commercial, educational, and transportation center of the region.

The City encompasses 105 square miles and is home to Austin Peay State University, which has over 10,000 students, and is a gateway to the 105,000-acre Fort Campbell military base, which has a post population of over 35,000 personnel. The effects of the recent recession were mitigated by the presence of Fort Campbell and the City's strong economy. The City has actively sought industrial investment and has experienced job growth, in particular breaking ground and initiating training programs for a new solar panel manufacturing facility.

DEMOGRAPHICS

Population

The population of the City now estimated to be 132,929 persons according to the 2010 American Community Survey (ACS). This is a twenty-eight percent increase from the 103,766 persons in the 2000 census, and an increase of 57,435 from the 1990 population.

Clarksville has a relatively younger population. The median age according to the 2010 ACS was 28.6 years. This compares to 37.2 for the United States and 38.0 for the State. In Clarksville 7.3 percent of the population is over 65, while in Tennessee, the percentage is 13.4, and the United State percentage is 13.0. The low median age is affected by the presence of the educational institutions in the City and the presence of Fort Campbell and its younger population. The table below compares Clarksville's population with those of the State and the nation by age cohort, clearly showing the larger percentage of persons in the City under 40 and the much smaller percentages of older persons.

Population by Age - Clarksville - TN - US			
Age Cohort	Clarksville %	TN %	US %
<5 Years	9.6	6.4	6.5
5 - 9	7.9	6.5	6.6
10-14	6.9	6.6	6.7
15-19	7.2	6.9	7.1
20-24	10.5	6.7	7.0
25-29	10.7	6.6	6.8
30-34	8.1	6.4	6.5
35-39	6.9	6.7	6.5
40-44	6.0	6.8	6.8
45-49	5.9	7.4	7.4
50-54	5.3	7.2	7.2
55-59	4.1	6.5	6.4
60-64	3.4	5.8	5.4
65-69	2.4	4.4	4.0
70-74	1.9	3.3	3.0
75-79	1.4	2.4	2.4
80-84	0.9	1.8	1.9
>85	0.7	1.6	1.8

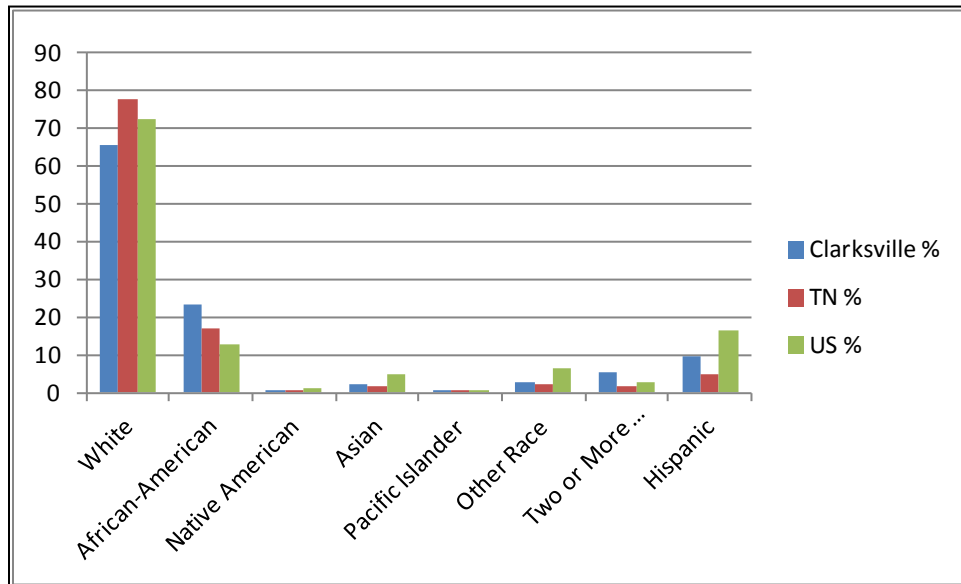
Source: 2010 ACS

It is also interesting to note that 51.3 percent of persons in the City are female, a figure above the national average of 50.8 though even with the State's 51.3 percent. As will be seen below, both age and gender considerations affect the size and types of households, and housing needs and requirements, as well as shaping the types of services the residents need.

Race

The graph below compares the racial composition of Clarksville with that of Tennessee and the United States, demonstrating significant racial diversity in the City. As can be seen, Clarksville has a smaller percentage of White persons than either the State or the nation. The percentage of African-Americans is appreciably higher than that of the State and the US; indeed, this percentage is almost twice that of the nation. Other racial groups are present in significant percentages, especially Two or More Races. The percentage of Asian persons is below the national figure, but well above the State figure. The percentage of Hispanic residents is twice that of Tennessee, though below the national figure.

RACIAL COMPOSITION: CLARKSVILLE, TENNESSEE, & THE UNITED STATES 2010



Source: 2010 ACS

The table below presents these figures and compares them with the percentages by Race for the City in 2000.

% of Population by Race - Clarksville - TN - US				
Race	2000 Clarksville %	2010 Clarksville %	TN %	US %
White	68.0	65.6	77.6	72.4
African-American	22.8	23.2	16.7	12.6
Native American	0.5	0.6	0.3	0.9
Asian	2.2	2.3	1.4	4.8
Pacific Islander	0.3	0.5	0.1	0.2
Other Race	2.6	2.8	2.2	6.2
Two or More Races	3.7	5.1	1.7	2.9
Hispanic	6.2	9.3	4.6	16.3

Source: ACS, 2010

In the last decade the White population has declined modestly and the African-American population has increased slightly. The most significant change appears in the percentage of persons classifying themselves as Two or More Races. It should be noted that the percentage of persons calling themselves Hispanic increased by fifty percent over the decade.

Other population characteristics impact housing issues as well. The percentage of foreign-born persons in Clarksville is 5.9 percent, which is above the State figure of 4.5 percent, and well below the national percentage, 12.9 percent. Figures for persons speaking a language other than English at home are not yet available for Clarksville.

The list of Census Tracts on the following page shows concentrations of minority groups. The HUD definition of an area of minority concentration as a census tract in which the population of any racial/ethnic minority group exceeds 50% of the total population of that tract. A high concentration is defined as a census tract in which the population of any racial/ethnic minority group is 75% or more of the total population of that tract. Based on these criteria, and using the 2010 data, there are only four Census Tracts with any minority concentration, and only one tract in which there is a concentration of African-Americans. There are no Census Tracts with a high concentration of any minority group and no Tract with a high minority concentration. The N/A entries indicate that the number of minority persons is not significant enough to generate a meaningful percentage.

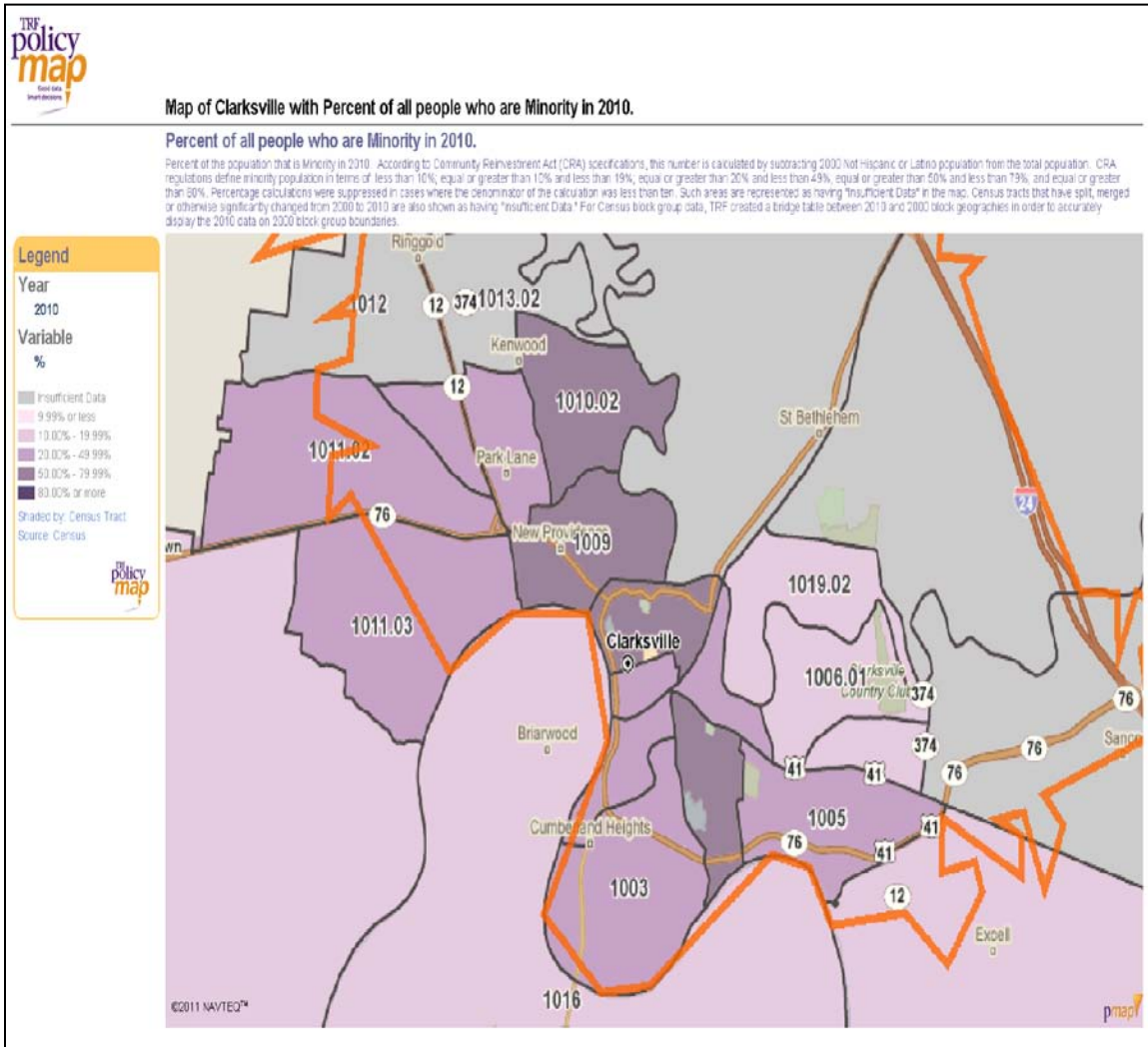
CLARKSVILLE MINORITY PERCENTAGES BY CENSUS TRACT, 2010

US Census Tract	Percent of all people who are Minority in 2010.	Percent of all people who are African American in 2010.	Percent of all people who are Other Minority in 2010
100100, Montgomery County	38.07	28.78	9.29
100200, Montgomery County	27.25	18.26	8.99
100300, Montgomery County	31.7	21.85	9.85
100400, Montgomery County	58.51	47.44	11.07
100500, Montgomery County	26.92	16.13	10.79
100601, Montgomery County	12.31	5.04	7.27
100602, Montgomery County	14.42	6.73	7.69
100700, Montgomery County	40.88	33.79	7.09
100800, Montgomery County	61.05	53.21	7.84
100900, Montgomery County	59.66	36.15	23.51
101001, Montgomery County	41.89	23.5	18.39
101002, Montgomery County	50.4	33.72	16.68
101101, Montgomery County	44.86	23.3	21.56
101200, Montgomery County	N/A	N/A	N/A
101301, Montgomery County	N/A	N/A	N/A
101302, Montgomery County	N/A	N/A	N/A
101902, Montgomery County	17.05	9.78	7.27
102000, Montgomery County	N/A	N/A	N/A

Source: Policy Map and ACS, 2010

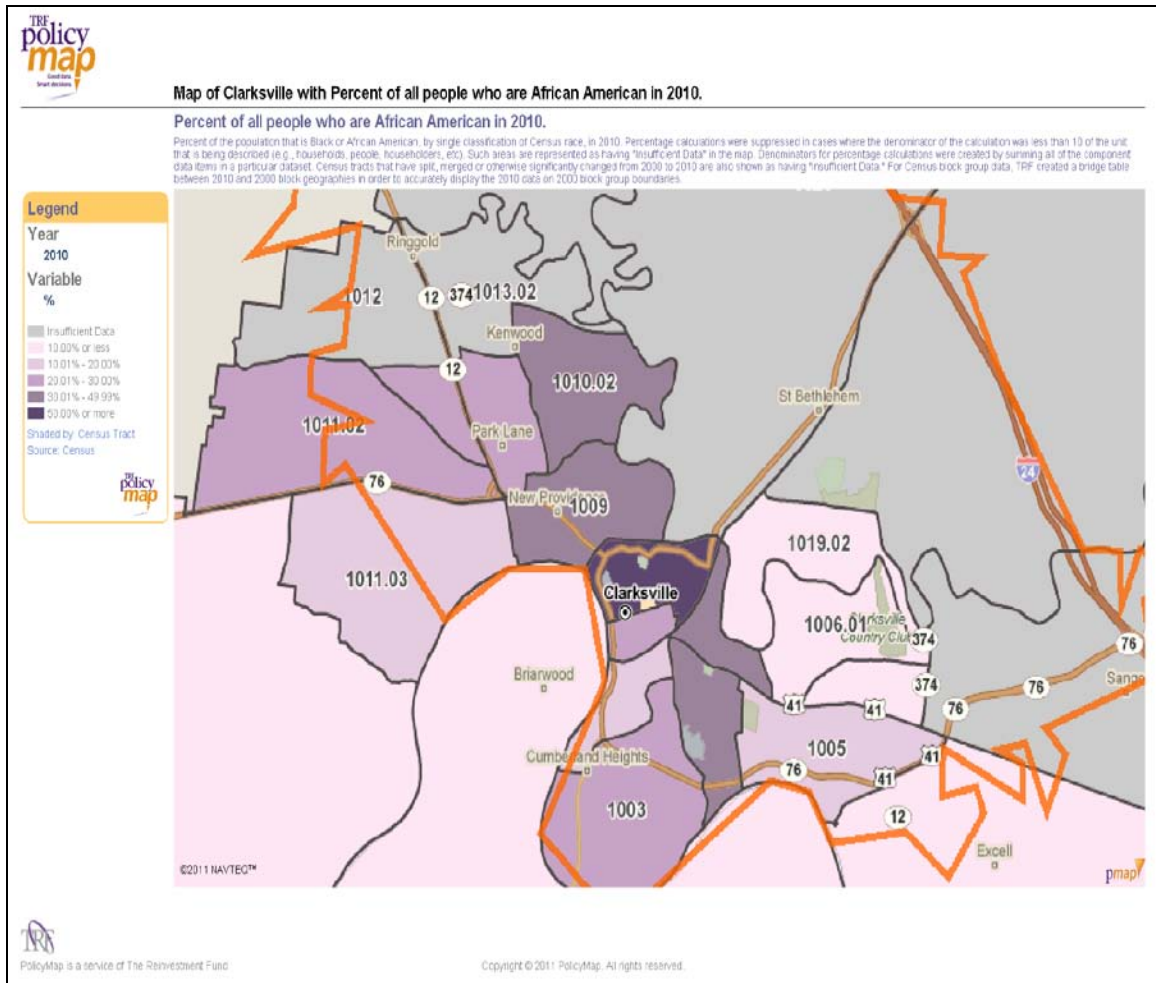
The map below shows the percentage of minority residents in Clarksville by Census Tract. Minority populations are concentrated in the southern and western areas of the City. The grey areas in the north and west do not have a significant number of minority persons.

Copies of this map and the others in this document are included, in a larger format, are found in Appendix D.



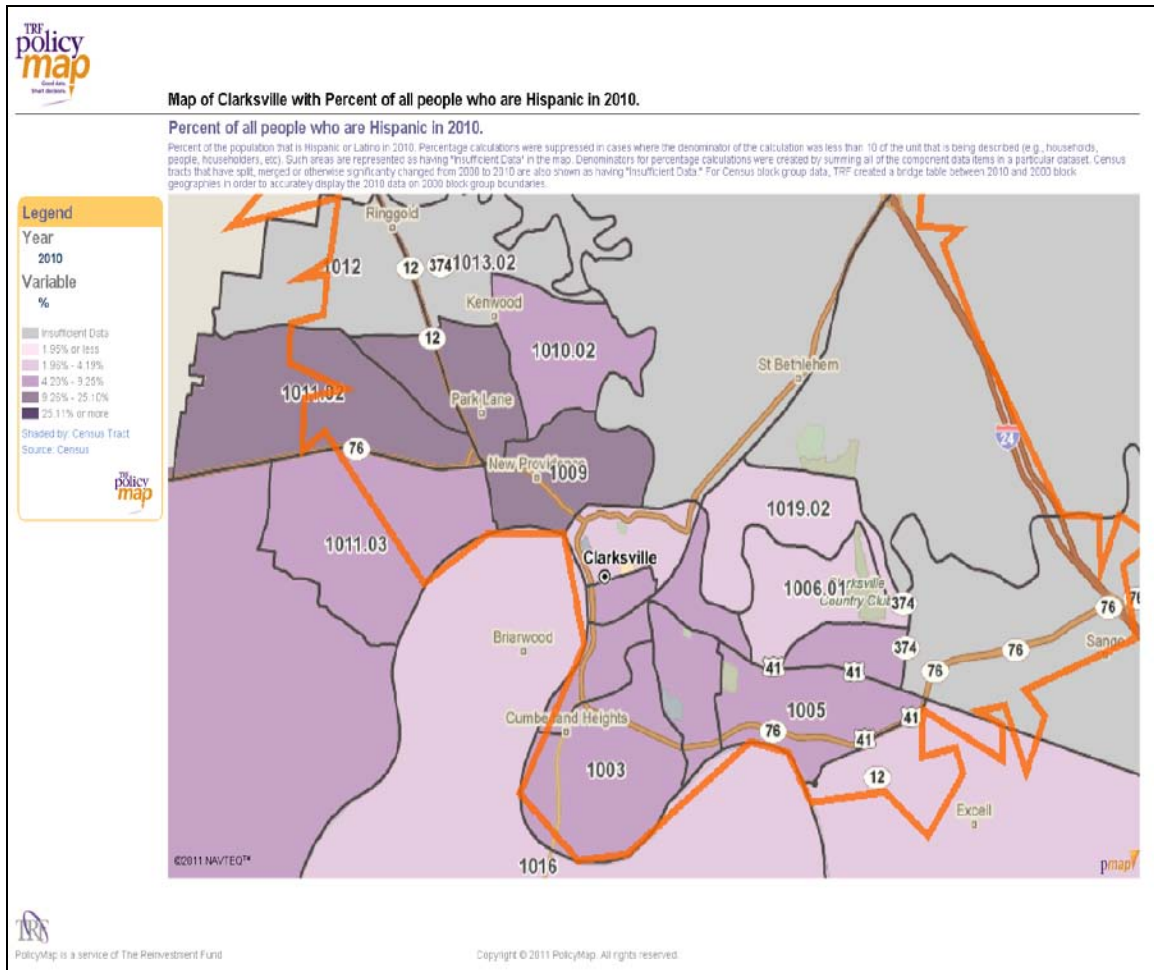
Source: Policy Map and ACS, 2010

The map below shows the percentage of African-Americans in each Census Tract. Only one Census Tract, 1008, is more than 50 percent African-American, and no Tract has over 75 percent



Source: Policy Map and ACS, 2010

As noted earlier, the Hispanic population has grown significantly in the past decade. In 2000, this population was concentrated in the north and northwestern parts of town. By 2010 the Hispanic population constituted over 10 percent of the population in the Census Tracts on the southern and western parts of the City, though no Tract was over 25 percent Hispanic, as the map below shows.



Source: Policy Map and ACS, 2010

The City of Clarksville is racially and ethnically diverse. Though minority populations are concentrated in Census Tracts 1008, 1009, 1010.02 and 1004, it should be noted that only one Tract, 1008, has a concentration of over 50.0 percent African-American and no Tract has a high concentration of any minority. Thus, the population is relatively homogeneous.

Families and Households

The average household size in Clarksville, 2.77 persons, is above both the US figure of 2.63, and Tennessee's 2.54. The percentage of Family Households in Clarksville is 72.1 percent, well above the US average of 66.4 percent, and the percentage of families with children under 18, is 39.4 percent, which is ten percent higher than either the State or the national figure. Conversely, the percentage of Clarksville households in which there is one or more persons over 65 is only 14.6 percent, a figure ten percent less than that of either the State or the US. Thus, the City has a significant number of families that are somewhat larger than the average family. Though there are many persons living alone,

the City's percentage of householders living alone is slightly below the national average. The table below presents this data.

**AVERAGE HOUSEHOLD AND FAMILY SIZE AND OTHER HOUSEHOLD CHARACTERISTICS
CLARKSVILLE, TENNESSEE, AND THE UNITED STATES - 2010 ACS**

	Clarksville	Tennessee	United States
Average Household Size	2.77	2.54	2.63
Average Family Size	3.17	3.1	3.23
% Households with Persons 65 or Older	14.6%	25.0%	24.8%
% Householders Living Alone	23.5%	27.7%	27.4%

Source: ACS, 2010

Disabled Persons and Special Needs Populations

The 2010 figures for disability indicate that 11.3 percent of the City's population has some disability. This represents 14,297 persons. This percentage is slightly below the national figure of 11.9 percent. While only 4.5 percent of persons under 18 years have a disability, the Census reports that 43.7 percent of persons over 65 (4,310 people) are disabled. Information about specific types of disability is not available.

The Elderly and Frail Elderly

The elderly, 65 and over, constituted 7.3 percent of the total population in City of Clarksville in the 2010 ACS. The Frail Elderly, those 75 and over, may need additional assistance to live independently and have additional requirements for their housing, such as elevators, grab bars in the bathroom, and special types of kitchen and bathroom fixtures. There are an estimated 4,033 frail elderly in Clarksville.

The elderly, especially in very low-income households, face housing difficulties based upon their particular housing needs (size of units, and types of fixtures and amenities), and on the basis of the cost burden they bear for housing and the fact that most are limited by fixed incomes.

Persons with Physical Disabilities

The number of with any type of disability is estimated to be over 14,297 according to the 2010 ACS. Persons with physical disabilities may require assistance with daily living, and additional requirements for their housing including, for example, special types of kitchen and bathroom fixtures or special fire alarms.

The Developmentally Disabled

The Association for Retarded Citizens (ARC) indicates that the base definition of developmentally disabled is an IQ score less than 70. ARC indicates that the nationally accepted percentage of the population that can be categorized as developmentally disabled is two and one-half to three percent of the population. By this calculation, there are an estimated 3,988 developmentally disabled persons in Clarksville.

The preferred housing options for the developmentally disabled are those that present a choice and integrate them into the community. This includes supervised apartments, supported living, a skill development home, and family care homes.

The implications for fair housing issues are that there is a need for smaller housing units for the elderly and those living alone, but the demand is likely to be less relative to national percentages. Similarly, there is a need for housing for the frail elderly and the disabled, but the City's population percentages would indicate a lower demand for the housing designed for these persons.

ECONOMIC FACTORS

Educational Attainment

Clarksville's population has a high percentage of persons whose highest level of education is a high school diploma, and lower percentages of persons with college and advanced degrees. The percentage of persons with Associate degrees or Some College is higher than either State or US percentages, while the percentage of persons with less than a ninth grade education or no high school diploma is half that of the State.

EDUCATIONAL ATTAINMENT (POPULATION 25 AND OVER) CLARKSVILLE, TENNESSEE, AND THE UNITED STATES - 2010ACS

	Clarksville #	Clarksville %	TN %	US %
< Ninth Grade	2,365	3.1	6.2	6.1
9th to 12th grade, no diploma	4,232	5.6	10.1	8.3
HS Grad	24,949	33.0	33.5	28.5
Some College, no diploma	20,930	27.7	20.8	21.3
Associate Degree	5,871	7.8	6.2	7.6
Bachelor's Degree	12,196	16.1	14.6	17.7
Graduate Degree	5,031	6.7	8.5	10.4

Source: ACS, 2010

Labor Force and Employment

The labor force (persons 16 years and over) in Clarksville was 98,153 in 2010, a significant increase from the 54,680 figure in 2000. These persons represented 65.4 percent of the working age population, a labor force participation rate that is one percent higher than the US figure and four percent above the State figure of 61.6 percent.

The following table compares the employment by industry of Clarksville's workers with those at the state and national level.

**PERCENTAGE OF WORKERS BY INDUSTRY
CLARKSVILLE, TENNESSEE, AND THE UNITED STATES – 2010 ACS**

Industry	Clarksville %	TN %	US %
Agriculture, Mining, Forestry	0.0	1.1	1.9
Construction	4.2	6.8	6.2
Manufacturing	12.0	12.5	10.4
Wholesale	2.1	2.8	2.8
Retail	15.1	12.3	11.7
Transportation, Warehousing	5.9	6.0	4.9
Information	1.4	2.0	2.2
Finance, Insurance, Real Estate	5.2	5.7	6.7
Professional, Scientific and Mgmt	10.1	9.2	10.6
Education and Health Care	22.4	23.1	23.2
Art, Entertainment, Accommodation and Food Service	9.8	8.9	9.2
Other Services	2.8	4.9	5.0
Public Administration	9.0	4.7	5.2

Source: ACS, 2010

These figures are interesting in several respects. The percentage of construction workers belies the City's relatively strong housing construction activity. The somewhat lower percentage of Education and Health Care workers is at odds with the presence of the University and regional medical facilities. However, the strong Retail Trade and Accommodation and Food Service employment reflects a strong demand for these services, though these two sectors are among the lower paying industries. The strong Public Administration is due in large measure to the City's serving as the county seat, and the location of various federal government agencies.

Clarksville has fewer management and professional workers (in terms of percent of the work force) than the nation, but has a greater percentage of percentage of production and transportation workers.

The top Ten Private Sector Employers are shown in the following table.

10 Largest Private Employers

Employer	Type of Industry	Number of Employees
Trane Company	Manufacturing	1,700
Convergys Corporation	Retail and Wholesale	1,400
Wal-Mart Supercenter	Retail	1,300
Gateway Medical Center	Health	1,100
Quebecor World Inc.	Manufacturing	1,000
Jostens, Printing & Publishing	Manufacturing	600
Robert Bosch Corporation	Manufacturing	500
Bridgestone Metalpha USA, Inc.	Manufacturing	400
Letica Corporation	Manufacturing	400
Progressive Directions, Inc.	Health	300

Source: Tennessee Department of Economic and Community Development, 2009 and Clarksville Area MPO 2035 Metropolitan Transportation Plan

It should also be noted that the Clarksville-Montgomery Country School System employs over 3,800 persons, the City of Clarksville has approximately 1,000 employees, the County over 900 employees and Austin Peay approximately 900 employees. The Hemlock Semiconductor Group has begun construction of a new manufacturing facility which will ultimately employ some 300 persons.

The presence of a significant number of manufacturing jobs, significant employment in the government and education sectors, as well as the presence of over 35,000 military personnel, help create a solid and stable economic environment for the community.

Unemployment

Unemployment reached 9.3 percent in Clarksville as of December 2010, but climbed even higher over the course of 2011, exceeding 10.0 percent on three occasions. The figure has remained stubbornly high, and the preliminary figure for September 2011, the latest available, is 9.9 percent. The table below shows the annual average for 2010 and monthly percentages for 2011.

CLARKSVILLE UNEMPLOYMENT FIGURES, 2011

Year	Period	labor force	employment	unemployment	unemployment rate
2010	Annual	53444	48478	4966	9.3
2011	Jan	53718	48200	5518	10.3
2011	Feb	54466	48884	5582	10.2
2011	Mar	55132	49769	5363	9.7
2011	Apr	55186	49992	5194	9.4
2011	May	55095	49842	5253	9.5
2011	Jun	55520	49828	5692	10.3
2011	Jul	55197	49805	5392	9.8
2011	Aug	55187	49745	5442	9.9
2011	Sep	55327(P)	49826(P)	5501(P)	9.9(P)

Source: Bureau of Labor Statistics, Local Area Unemployment Statistics, December, 2011

Despite the City's relatively strong and diverse economic base, unemployment has been, and remains a persistent problem, affecting the ability of many households to obtain adequate and affordable housing. The relatively low overall level of educational attainment poses some problems in attracting better paying jobs, especially as many types of positions increasingly require higher educational levels and specialized training.

Income and Poverty

The following table compares key income and poverty figures for the city, the County, the state, and the United States.

SELECTED INCOME AND POVERTY STATISTICS CLARKSVILLE, TENNESSEE, AND THE UNITED STATES – 2010 ACS

	Clarksvil le	Tennessee	United States
Median Household Income (\$)	\$43,326	\$41,161	\$50,046
Per Capita Income (\$)	\$19,151	\$22,463	\$26,059
Persons in Poverty (%)	19.2%	25.7%	15.3%

Source: ACS, 2010

Clarksville's Median household Income is 86.5 percent of the national figure but 105.0 percent per cent of the State figure. The differences for the Per Capita Income (PCI) are

striking; Clarksville's PCI is 73.4 percent of the national figure and 85.2 percent of the State figure.

Clarksville does have a higher percentage of households with retirement income than the nation (20.4% vs. 17.5%) and a lower percentage of households with Social Security income (17.5% vs. 28.4%), which is in line with the fact that the population is younger than the national average. At the same time, the percentage of persons with Supplemental Security Income is 2.8 percent compared to the national figure of 5.1 percent. However, the percentage of persons receiving Food Stamp/SNAP benefits is 13.0 percent, which is higher than the national percentage, 11.9.

One of the concerns noted in the City's Consolidated Plan is the concentration of low-income households. Identifying concentrations of low-income households and racial and ethnic minorities is helpful in identifying possible patterns of discrimination. The City has a substantial number of households with an income of less than \$15,000; indeed, 15.8 percent of households, some 7,438 households, are below this figure. The table below shows the number and percentage of households at various income levels.

CLARKSVILLE HOUSEHOLD INCOMES, 2011

Income	Clarksville #	Clarksville %
<\$10,000	5,004	10.6
\$10,000-\$14,999	2,434	5.2
\$15,000-\$24,999	4,364	9.3
\$25,000-\$34,999	6,070	12.9
\$35,000-\$49,999	8,713	18.5
\$50,000-\$74,999	10,676	22.7
\$75,000-\$99,999	5,283	11.2
\$100,000-\$149,999	3,266	6.9
\$150,000-\$199,999	570	1.2
>\$200,000	625	1.3

Source: ACS, 2010

HUD has provided detailed data as part of its Comprehensive Housing Affordability Strategy materials to assist in preparing the Consolidated Plan and implementing HUD programs. HUD established five income categories for its analysis of incomes. The five income ranges are:

Extremely Low (0-30% of the median income),
 Very Low-income (31-50% of the median income),
 Low-income (51-80% of the median),
 Moderate-income (81-95% of the median), and
 Upper-income (95% and above of the median).

The table below shows the distribution of Extremely Low-, Very Low-, Low- and Moderate-income households in the City based upon this data. The 2011 Median Income figure for a family of four in Montgomery County, calculated by HUD, is \$53,500.

**HUD AREA MEDIAN HOUSEHOLD INCOME
 CLARKSVILLE, 2011**

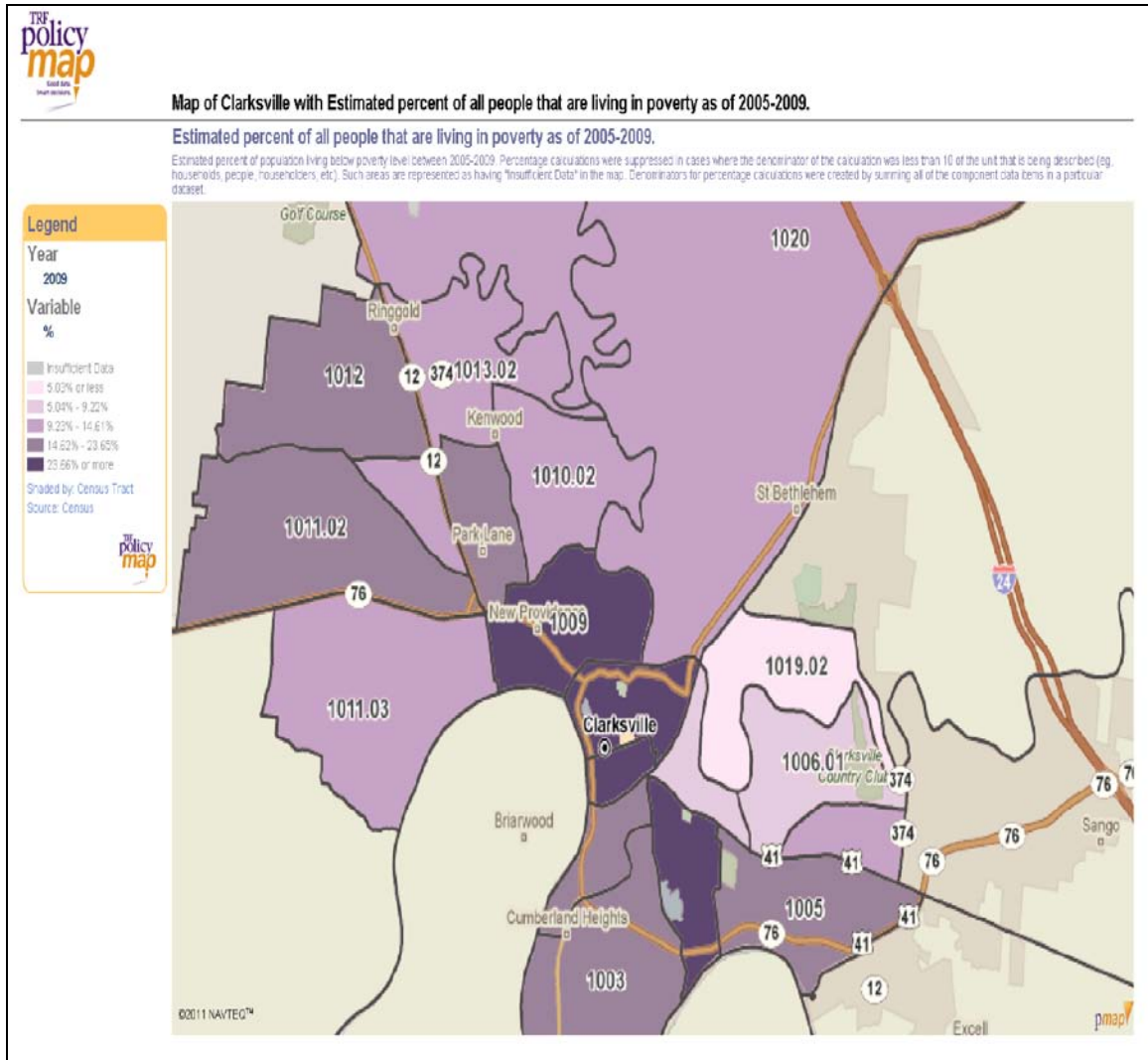
Income Category	2011 Median HH Income \$53,500	Approx. # of HH	Approx. % of HH
<30% AMI	\$16,050	7838	16.7%
31-50% AMI	\$26,750	4676	9.9%
51-80% AMI	\$42,800	10457	22.2%
81-95% AMI	\$50,825	4290	9.1%
96%+ AMI	\$51,360	19,744	42.0%

Source: HUD Income Limits Documentation System

By these definitions, 48.8 percent of Clarksville households are in the lowest income categories.

Poverty is an issue in Clarksville as 16.1 percent of the population had an income in the preceding twelve months that was below the established poverty level. Fifteen percent of the elderly and 26.9 percent of persons under 18 are in this group.

The map below shows that poverty is greatest in census tracts in the southern portion of the City. Though the figures are from the 2009 ACS, they indicate that over 23.66 percent of the persons in the darkest shaded Census Tracts were in poverty. These Census Tracts are those that contain the largest percentages of the minority population, and are also the areas deemed eligible for funding from the CDBG program.



Source: Policy Map

Lower income levels and poverty are areas of concern and affect the ability of households to obtain housing. Forty-eight percent of the City's households are in the lowest income levels Based upon HUD's Area Median Income calculations. Further, poverty levels are highest in the Census Tracts with the highest percentages of minority populations.

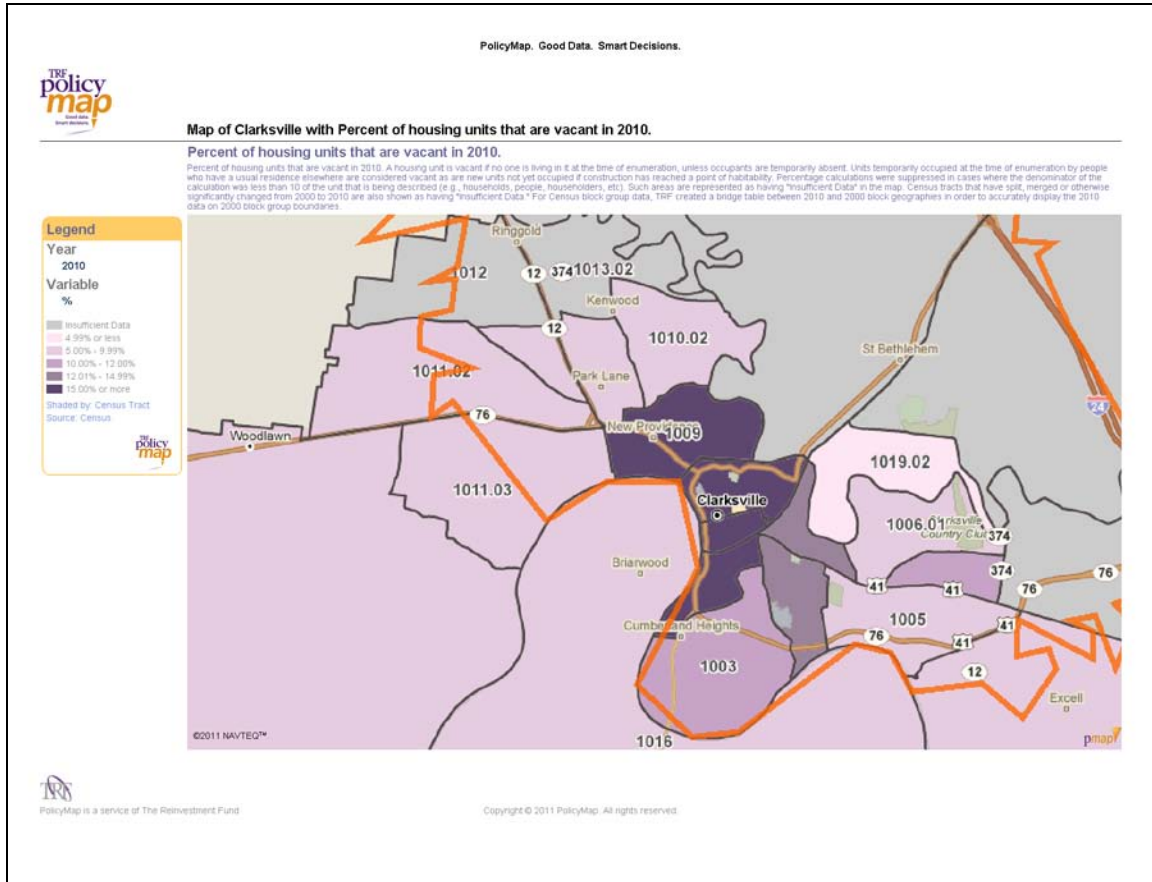
HOUSING DATA

Housing Stock and Condition

Clarksville has 54,485 housing units as of the 2010 ACS figures. However, 7,480 units, 13.7 percent, are vacant. This figure is higher than the US 13.1 percent and the State's 13.3 percent. The Clarksville homeowner vacancy rate (3.6%) is higher than that of either the State or the nation, and the rental vacancy rate (14.8%) is significantly higher

than that of the State (10.3%) or the nation (8.2%). The vacancies are concentrated in the three Census Tracts closest to the river (1009, 1008 and 1002 – the darkest shade on the map below), which are also the low-income and minority concentration Tracts.

Clarksville Percentage of Vacant Properties - 2010



Source: Policy Map

In Clarksville the majority of housing units are single-family detached structures. The table below shows the number and percent of each type of unit in Clarksville and compares this to State and national percentages. The percentage of one unit, attached structures is above the national average, as are the percentages for the two through nine unit structures, which are most likely small apartment buildings. The percentage of units in larger structures (10+ units), indicative of larger apartment complexes, is below the national figures.

**Housing Units by Type
Clarksville, Tennessee and the US, 2010**

Type of Structure	Clarksville Number of Units	Clarksville Percent of Units	TN Percent of Units	US Percent of Units
one unit, detached	37,004	67.9%	68.3%	61.4%
one unit, attached	1,652	3.0%	3.2%	5.8%
Two units	2,642	4.8%	3.0%	3.8%
3 or 4 units	3,813	7.0%	3.0%	4.4%
5 to 9 units	4,979	9.1%	4.5%	4.8%
10 to 19 units	1,346	2.5%	3.6%	4.5%
20 or more units	1,745	3.2%	4.3%	8.5%
Mobile home	1,304	2.4%	9.9%	6.6%
Boat, RV or van	0	0.0%	0.1%	0.1%
Total # of Units	54,485			

Source: ACS, 2010

A review of the numbers of units by room size shows that while 52.2 percent of units are 3 bedrooms, there are only 4,921 small units (no bedroom or one bedroom) – only 9.0 percent of housing units, which compares to 13.1 percent for the US. However, the 2007 CHAS data show that there are 36,805 family households of four or fewer members in Montgomery County. There are also 14,660 non-family households of four or fewer members in the County; these in particular are likely to be persons living alone, who would want these smaller units. Thus, there appears to be a shortage of small units

At the same time, there are 8,698 units of four or five bed rooms (15.9% of the total) for large households, compared to 19.9 percent nationally. There are, however, 5,620 large households per the 2007 CHAS data, indicating that the supply of larger units is adequate.

The housing stock in Clarksville is relatively young. In the decade between 2000 and 2010 over 15,000 housing units were built, 28.4 percent of the City's current total. Approximately 20,000 units (37.1% of the total) were constructed before 1980, and thus might have a lead-based paint hazard, though only 2.5 percent of the units were constructed before 1940 and only 11.3 percent were built before 1960. Because of the surge in growth in the preceding two decades, the median age for housing units in Clarksville is 1989.

The condition of the housing stock in Clarksville is considered to be fair for the most part. As noted, almost one-half of the housing stock was built after 1989, so that rehabilitation and upgrading are not significant concerns in many neighborhoods. Housing problems are scattered throughout the City, though there are certain neighborhoods that appear to require substantial efforts. The older housing stock appears to be located in Census Tracts 1010.01, 1009, 1008, 1004, and 1002, which include the CDBG-eligible Tracts and those with the largest percentages of minority populations.

There are 110 units in the City that lack a complete kitchen, no units lack complete plumbing, though 376 units report using no fuel. These units represent 1.0 percent of the City's occupied housing units.

Tenure

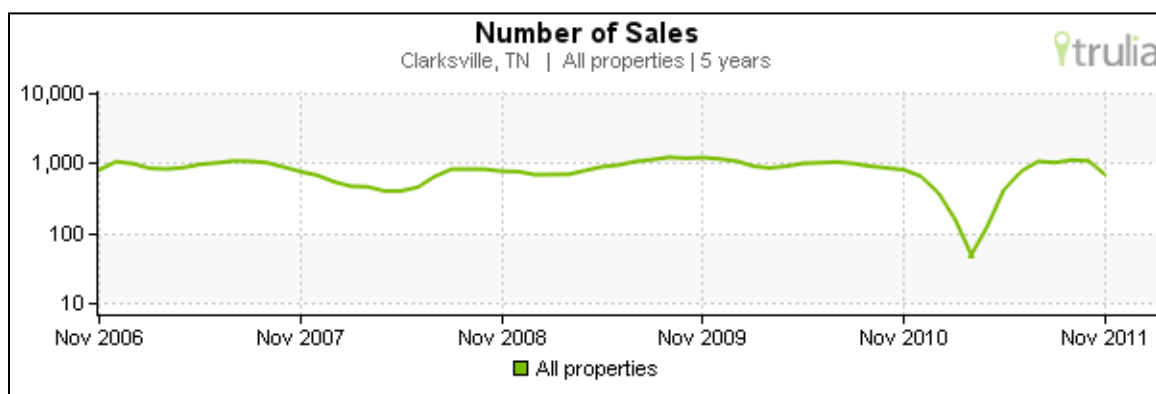
The tenure pattern in Clarksville varies from the national norm. In Clarksville, owner-occupied units constitute 59.7 percent of units while renter-occupied units comprise 41.2 percent of housing. Across the nation, the percentages are 65.4 percent owner-occupied and 34.6 percent renter-occupied. Some of this disparity may be due to the presence of the military personnel at Fort Campbell, many of whom are subject to transfer or deployment and thus not interested in purchasing a home.

Housing Cost, Cost Burden, and Affordability

The median rent in Clarksville was \$773 in 2010, which was 10% below the national median rent of \$855. Despite the apparent low rent, the impact of this level of expense is that 34.2 percent of households spent 35.0 percent or more of their income for rent, a figure that places them in the "severely cost burdened" category.

Homeownership has its advantages in Clarksville. While the median Clarksville home was worth \$134,400 in 2010 compared to \$179,900 for the United States the median mortgage payment for a home in Clarksville was \$1,120 in 2010 compared to \$1,496 for the nation, per the ACS data. This \$376 difference meant that only 21.6 percent of homeowners were paying 35.0 percent or more for housing, compared to 21.9 percent nationally.

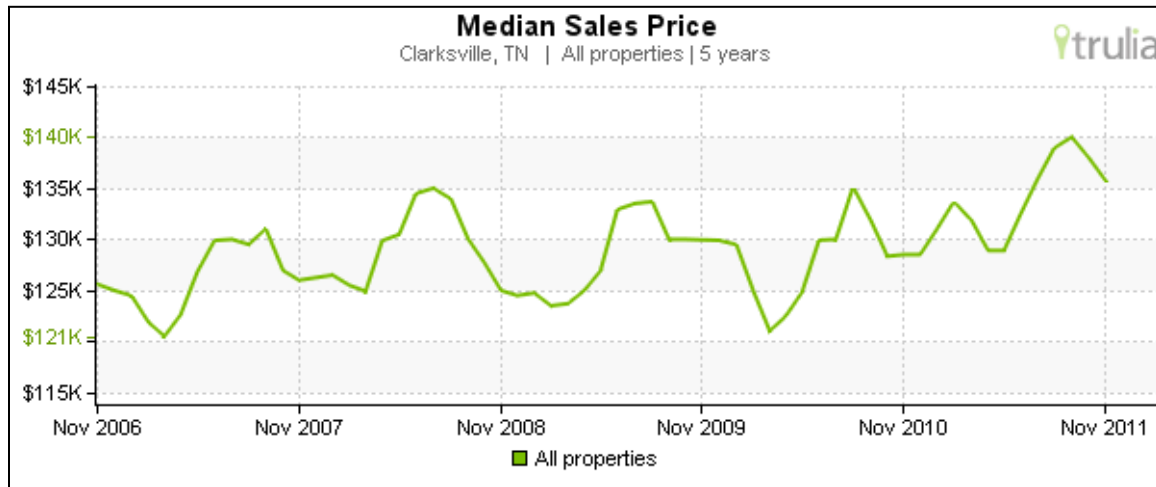
The demand for housing in Clarksville has been remarkably consistent over the past five years, as the graph below from Trulia demonstrates. Except for a significant dip in late 2010 and early 2011, the Trulia figures show that sales in the Clarksville area have been steady, even as the real estate market collapsed in 2008.



Source: Trulia.com, Clarksville, TN data, December, 2011

However, sales prices were affected by the housing bust. The graph below, from Trulia, shows declines in prices in late 2008, recovery in early 2009, and another decline in late 2009, and an overall increase in through 2010-2011. However, the most recent sales

prices are above the 2008 peak, indicating a good recovery from the early 2009 recession and Trulia notes that home prices have appreciated 8.1 percent over the past five years.



Source: Trulia.com, Clarksville, TN data, December, 2011

According to the Clarksville Association of Realtors data, the average closing price for a home in October 2011 (the most recent data) was \$152,388. Using the rule of thumb that a house should cost no more than two and one-half times one's income, a family would need an income of \$60,955 to afford a median priced home. The median income in Clarksville is \$43,326, leaving a gap of \$17,629 for a household to overcome to acquire the median-priced home. An analysis of the income ranges presented above reveals that approximately 60 percent of households in Clarksville have incomes below the \$60,955 figure.

These low-income figures mean that it is more difficult for households to meet monthly expenses, especially when housing costs more than 30% of their income, more difficult to save for a down payment for a home, and more difficult to qualify for a mortgage to purchase home, especially in light the current tight lending market.

Figures from the National Low Income Housing Coalition indicate that the Fair Market Rent in Clarksville for a studio type apartment is \$550 per month. This figure is \$156 greater than the maximum affordable rent for a household with an income at 32 percent of Area Median Income (AMI), though such a unit is affordable to households at 50 percent of AMI. To afford the smallest unit, a minimum wage worker would have to work 58 hours per week for 52 weeks a year and 70 hours a week to afford a two-bedroom apartment. The wage required in order to afford a studio apartment at the area's fair market rent would be \$10.58, compared to the area minimum wage of \$7.25. Overall the 2010 fair market rent for apartments in Clarksville has increased 35 percent between 2000 and 2010.

The demand for **affordable** housing for low- and moderate-income households has been persistent in Clarksville. As described below, the Clarksville Housing Authority has a

long waiting list for its units and the waiting list for Section 8 vouchers has been closed because demand so far exceeds supply

Public Housing

The Clarksville Housing Authority (CHA) operates two Asset Management Projects (AMP) consisting of seven developments on four sites around the City. There are 508 units of public housing, all of which are family-type units. According to the Housing Market analysis in the recent Consolidated Plan, the CHA has 66 units with 0 & 1 bedroom; 198 two-bedroom units; and 240 units with three or more bedrooms. There are thirty-two handicapped accessible units of which four can accommodate visually or hearing impaired persons.

There are over 1,200 persons residing in CHA units, and the vacancy rate for these units is below 2 percent. The application process is currently closed, but is opened when needed. The CHA has a Five-Year Plan that includes making repairs and improvements to units, as well as infrastructure, building, and site maintenance and improvements. The CHA does not offer any homeownership or financial literacy programs, though the Lincoln Homes Resident Council does provide financial literacy classes for boys.

The CHA has received no fair housing complaints in the past two years. Residents with fair housing complaints may avail themselves of the Authority's established grievance procedures, while non-resident complaints would be directed to the Fair Housing and Equal Opportunity Office of HUD. Information on the latter is posted at all CHA properties and offices.

The CHA does not administer a Section 8 program. The Section 8 program does have a waiting list of over 1,000 people.

OBSERVATIONS

Several key points relevant to potential impediments to fair housing emerge from the preceding discussion. While not definitive indicators of impediments to fair housing choice in and of themselves, they point to conditions or situations that may create impediments. These points are:

1. The population is racially diverse.
2. Only four Census Tracts have minority concentrations per HUD's definition, but these tracts are the ones with the lowest income levels, the oldest housing stock, and the most vacant properties. This may serve to limit housing opportunities for low-income households.
3. Despite a solid and diverse economic base, almost one-half of the population is in the low-income categories as defined by HUD. Unemployment has been stubbornly high and income levels are relatively low. Thus, affordability is a problem for a very large portion of the population, both owners and renters.

4. There is a high percentage of family households and those families are slightly larger than the national norm, indicating a demand for larger housing units.
5. There are relatively fewer elderly persons and persons living alone, thus a smaller demand for small housing units.
6. The Housing Authority has a significant wait list for Section 8 vouchers and for public housing units.

4) FAIR HOUSING PRACTICES

This section provides an overview of the institutional structure of the housing industry in governing the fair housing practices of its members. The oversight, sources of information, and fair housing services available to residents in Clarksville are described and their roles explained.

OVERSIGHT ORGANIZATIONS & ENFORCEMENT PROCESSES

As described above, City residents are protected from housing discrimination by federal, state, and local laws. These laws are enforced by agencies at each level and persons have a number of alternatives for seeking assistance if they feel they have been discriminated against. At the federal level, the Department of Housing and Urban Development and the Department of Justice have enforcement authority. Reports and complaints are filed with these agencies and the Department of Justice may take legal action in some cases. Typically fair housing service providers work in partnership with HUD and state agencies to resolve problems. However, in some cases where litigation is necessary, the case may be 1) resolved via administrative filing with HUD or the state, 2) referred for consideration to the Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section; or 3) referred to a private attorney for possible litigation.

Tennessee has its own law, which provides protections to individuals with disabilities in the sale or rental of housing. This state law, known as the Tennessee Fair Housing Law, defines discriminatory practices and exemptions from the housing provisions in the Tennessee Code Annotated Sections 4-21-601 and 607. Like the federal Fair Housing Amendments Act, the State law does exclude individuals connected with the illegal manufacture or distribution of a controlled substance. The statute does not describe an enforcement mechanism other than noting that it “may also be enforced by appropriate civil action.” The Act also includes language about Blockbusting, real estate and lending practices, and restrictive covenants. As described below the Tennessee Human Rights Commission is the lead agency in enforcement actions.

Tennessee also has the Uniform Residential Landlord and Tenant Act (Tennessee Code Annotated Sections 66-28-101 through 521) which defines and describes rental agreements, landlord obligations, tenant obligations, and enforcement and remedies.

As noted above, there are a number of avenues a Clarksville resident can take to file a complaint. The Tennessee Human Rights Commission is the State agency responsible for enforcing statutes relating to discrimination in housing, employment and public accommodation, as well as coordinating State compliance with federal laws prohibiting discrimination. These types of complaints include alleged violations under the Fair Housing Act (Title VIII) and other HUD programs (Section 504 of the Rehabilitation Act of 1973, American with Disabilities Act of 1990, etc.). The Commission has cooperative agreements with HUD and the Equal Employment Opportunity Commission so that federal and State agency investigations do not duplicate or overlap. Complaints may be filed directly with the Commission.

Persons who feel that they have been discriminated against may choose to file a complaint with the Tennessee Fair Housing Council, based in Nashville. The Council has a geographic focus, which does not include Montgomery County specifically. However, the Council does operate Statewide and will accept complaints from Clarksville or Montgomery County residents. The Fair Housing Council also receives complaints from private fair housing organizations. The Fair Housing Council receives complaints by telephone, mail, fax, or office visit.

The Council provides education and outreach on fair housing issues, and provides a number of resource links and information on its Website. The Council also has received a number of HUD grants for counseling, operating a fair housing advocacy Website and testing.

The City of Clarksville has its own Fair Housing Ordinance (ordinance Number 11-1986-87, sections 1, 9-4-86), passed in 1986. This ordinance defined fair housing and discriminatory practices and created a Fair Housing Board to enforce the law. The Fair Housing Board was dissolved in 1996 when HUD found that the Board was not effective.

Through a contractual arrangement, the Legal Aid Society of Middle Tennessee and the Cumberland handled the City's housing discrimination complaints from 1996 on. However, as funding for Legal Aid has decreased, so has the organization's ability to handle these cases diminished. Legal Aid now provides assistance by disseminating fair housing materials and advertisements, referring complaints directly to either the Fair Housing Council or the Human Rights Commission. The Legal Aid Society has noted that it has received few complaints over the past few years though.

Currently, the City of Clarksville does not have an organization or entity dedicated solely to promoting fair housing and investigating or assisting in the filing of fair housing complaints. However, within the past year, the City has asked the Human Relations Commission to take on the role of fair housing enforcement at the municipal level and that body is taking steps to assume that duty. Members of the Commission are receiving training on fair housing and developing the policies, procedures, and mechanisms to handle this matter.

The City's affirmative marketing goal for the HOME program is to ensure that persons of all racial, ethnic and gender groups have the opportunity to rent or own a HOME assisted unit. The City carries out this policy through the affirmative marketing procedures established in accordance with the Final HOME Rule. These procedures are intended to further the objectives of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Section 3 of the Housing and Urban Development Act of 1968, and Executive Orders #11063 (as amended by Executive Order #12259) and #11246.

Concerted efforts continue to be made to inform local governments, nonprofits, for-profit developers, public housing authorities, and others about the affirmative marketing requirements of the HOME program.

Local government officials, in agreeing to accept CDBG funds, certify that they will “affirmatively further fair housing”. While the law does not specify what type of action recipients must take, it is clear that local government recipients are obligated to take some sort of action to affirmatively further the national goal of fair housing. The City keeps records that reflect all recipients take one or more actions to affirmatively further fair housing.

COORDINATION & SUPERVISION IN THE HOMEOWNERSHIP MARKET

Many agencies are involved in overseeing real estate industry practices and the practices of the agents involved. A portion of this oversight involves ensuring that fair housing laws are understood and complied with. The following organizations have limited oversight within the lending market, the real estate market, and some of their policies, practices, and programs are described.

Federal Financial Institutions Examination Council (FFIEC)

The Federal Financial Institutions Examination Council (FFIEC) is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC provides data on loan originations, loan denials, and other aspects of the home loan process, as well as preparing Community Reinvestment Act rating reports on financial institutions.

National Association of Realtors (NAR)

The National Association of Realtors (NAR) is a consortium of realtors, which represent the real estate industry at the local, state, and national level. As a trade association, members receive a range of membership benefits. However, to become a member, NAR members must subscribe to its Code of Ethics and a Model Affirmative Fair Housing Marketing Plan developed by HUD. The term “Realtor” thus identifies a licensed real estate professional who pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. “Realtors” subscribe to the NAR’s Code of Ethics, which imposes obligations upon realtors regarding their active support for equal housing opportunity.

Diversity Certification

The NAR has created a diversity certification, “At Home with Diversity: One America”, to be granted to licensed real estate professionals who meet eligibility requirements and complete the NAR “At Home with Diversity” course. The certification signals to customers that the real estate professional has been trained on working with the diversity of today’s real estate markets.

Tennessee Association of Realtors (TAR)

The Tennessee Association of Realtors is a trade association of realtors statewide. As members of the Association, realtors follow a strict code of ethics. The Association has a “legal and ethics” hotline, offers Professional Standards classes and continuing education classes on “sticky situations,” professionalism, and professional standards. The Association Website also provides information about discrimination and guidelines for advertising language.

Tennessee Real Estate Commission

The Tennessee Real Estate Commission is the licensing authority for real estate brokers and salespersons. The Commission has adopted education requirements that include courses in ethics and fair housing. To renew a real estate license, each licensee is required to complete continuing education, though there does not appear to be an emphasis upon fair housing issues. The Website notes to refer all housing complaints to the Human Rights Commission, and provides guidelines for preparing the analysis document.

Clarksville Association of Realtors

This association of local Realtors includes the members of the local real estate community. The Website notes courses on ethics and professional standards. The Association includes 675 Realtors in 57 affiliate firms. It appears that there are three or four minority-owned real estate firms in the city, but there are no statistics about the number of minority brokers or agents available.

COORDINATION & SUPERVISION IN THE RENTAL MARKET

A number of agencies are involved with the apartment rental process and related practices. This oversight includes ensuring that fair housing laws are understood. The following organizations have limited oversight within the rental housing market.

Tennessee Apartment Association (GAA)

The Tennessee Apartment Association (TAA) is a state chapter of the National Apartment Association dedicated to serving the interests of Tennessee apartment owners and managers. Their Website lists a number of resources, but nothing specific to fair housing issues. There also several regional Apartment Associations across the State.

National Association of Residential Property Managers (NARPM)

NARPM is an association of real estate professionals who are experienced in managing single-family and small residential properties. NARPM promotes the standards of property management, business ethics, professionalism, and fair housing practices within the residential property management field. NARPM certifies members in the standards and practices of the residential property management industry and promotes continuing professional education. NARPM offers designations to qualified property managers and management firms, and these certifications require educational courses in fair housing practices.

OTHER FAIR HOUSING ORGANIZATIONS

In addition, there are a number of not-for-profit organizations concerned with fair housing issues. These organizations provide assistance to individuals who feel that they may have been the subject of discriminatory acts, or they provide services related to fair housing issues, such as credit counseling.

The National Fair Housing Alliance is a national non-profit organization dedicated to assisting low-income persons with housing problems. This organization has two affiliates in Tennessee, most notably for Clarksville, the Tennessee Fair Housing Council.

The resources and expertise of these organizations can be called upon to further fair housing and further collaboration and coordination with them can provide additional resource and expertise.

5) LENDING AND COMPLAINT DATA; ADVERTISING

This section of the AI evaluates lending practices in Clarksville, using Home Mortgage Disclosure Act (HMDA) data, information from banking oversight agencies, and complaint data from local, state, and federal organizations and agencies, as well as an assessment of advertising practices.

HOME LOAN ACTIVITY

Background

A key aspect of fair housing choice is equal access to financing for the purchase or improvement of a home. In 1977, the Community Reinvestment Act (CRA) was enacted to encourage regulated financial institutions to help meet the credit needs of entire communities, including low and moderate-income persons and neighborhoods. The Home Mortgage Disclosure Act (HMDA) requires financial institutions with assets exceeding ten (10) million dollars to submit detailed information on the disposition of home loans. HMDA data were evaluated in this AI with respect to lending patterns.

Two types of purchase financing – conventional and government-backed – are examined, as well as refinancing and home improvement loans. Conventional financing refers to market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions.

Government-backed financing refers to loans offered at below-market interest rates that are typically issued by private lenders and are guaranteed by federal agencies. These loans are offered to lower and moderate income households who may experience difficulty in obtaining home mortgage financing in the private market due to income and equity issues. Several federal government agencies offer loan products that have below-market interest rates and are insured (“backed”) by the agencies. Sources of government-backed financing include the Federal Housing Administration, the Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency (RHA/FSA). Loans backed by local jurisdictions (such as silent second loans by cities and counties) are not covered under HMDA.

HMDA data provide some insight into the lending patterns that exist in a community. However, HMDA data is only an indicator of potential problems; the data cannot be used to conclude definite redlining or discrimination practices. In the format provided on the Website, HMDA data lack the detailed information on loan terms or specific reasons for denial to make conclusive statements.

Loan Activity

In 2010, the most recent year for which complete data is available, there were 8,816 loans applications in the census tracts that comprise the City of Clarksville. The table below shows the total number of loans applied for, the numbers of loans originated, and the number denied as well as the results of other actions. It is interesting to note that the number of refinancing loans is almost one and one-half times the number of home

purchase loans – 3,450 home purchase versus 4,921 refinancing loans. This reflects the situation in the housing market, which was still recovering from the recession and housing “bust.” Home sales were down from earlier years and many homeowners were seeking to refinance older, higher interest loans.

**City of Clarksville
Disposition of Loan Applications, 2010**

	FHA,FRS/RHS & VA (Purchase)	FHA,FRS/RHS & VA (Purchase)	Conventional (Purchase)	Conventional (Purchase)	Refinancing	Refinancing	Home Improvement	Home Improvement	TOTAL #	TOTAL %
	#	% of Total	#	% of Total	#	% of Total	#	% of Total		
Loans Originated	2,181	81.1%	539	70.9%	2,498	50.8%	178	40.0%	5,396	61.2%
Approved, Not Accepted	59	2.2%	49	6.4%	247	5.0%	16	3.6%	371	4.2%
Applications Denied	230	8.6%	94	12.4%	1,156	23.5%	201	45.2%	1,681	19.1%
Applications Withdrawn	200	7.4%	71	9.3%	810	16.5%	47	10.6%	1,128	12.8%
File Closed for Incompleteness	20	0.7%	7	0.9%	210	4.3%	3	0.7%	240	2.7%
TOTAL APPLICATIONS	2,690		760		4,921		445		8,816	

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

These figures are for the entire City, and show that while 81.1 percent of government-backed and 70.9 percent of conventional home purchase loans were approved, over 8.6 percent of government-backed and 12.4 percent of conventional loans were denied. Only a modest number of government-backed loans were approved but not accepted, indicating the potential buyer’s failure to close on the chosen property. However, the percentage of conventional loans accepted but not approved was half that of the percentage denied, indicating that a significant number of applicants had second thoughts about the purchase.

An important variable in dissecting lending outcomes is the percentage of withdrawn or incomplete loan applications. An understanding of the home buying and loan processes, income/equity requirements, and financial responsibility are important to a successful loan application and home purchase. Many households, particularly those entering the homeownership market the first time, lack financial knowledge to deal with the home buying process and may end up closing or withdrawing their application. A high rate of withdrawn or closed applications can be indicative of a lack of knowledge of the loan application and/or home buying process, or a lack of adequate assistance by the lender throughout the process. The lack of lender assistance may be discriminatory in motive or outcome. However, HMDA data are inadequate in proving motive. In any event, the percentage of withdrawn or incomplete purchase applications in Clarksville was not excessive.

The rate of acceptance for refinancing loans was low, only one-half of the applications. The percentage of refinancing loan denials is high, as is the figure for applications withdrawn. The topic is often a complicated one for the borrower and the rate of

withdrawal may reflect this fact. The approval rate for home improvement loans is low, 40.0 percent; indeed the denial rate is greater than the origination rate, though this is often the case in many areas.

A comparison of the percentage of denials among the three Census Tracts with the highest percentage of minority population and the three with the lowest percentage of minority population shows that the Census Tracts with the highest percentage of minority population had the highest percentage of denials. The difference is especially striking in the Conventional Loan Category. However, it should be noted that the Census Tracts with the highest percentages of minority population also had Median Household Incomes (MHI) that were in the range of 50 to 60 percent of the MSA, which might result in having less collateral, a weaker credit history, or a poor debt to income ratio.

Denial Rate by Loan Type for the Highest and Lowest Minority Population Census Tracts, Clarksville, 2010

	% FHA, FRS/RHS, VA Denied	% Conventional Denied	% Refinance Denied	% Home Improvement Denied	Median Income as % of MSA Median Income
Census Tract 1004 - 58% Minority	14.3%	20.0%	43.1%	37.5%	58.0%
Census Tract 1008 - 55% Minority	16.6%	16.6%	0.0%	75.0%	55.0%
Census Tract 1009 - 54% Minority	11.1%	36.3%	21.4%	50.0%	54.0%
AVERAGE HIGH MINORITY POPULATION TRACTS	14.0%	24.3%	21.5%	54.2%	55.7%
Census Tract 1017 - 5% Minority	13.3%	26.8%	24.4%	45.7%	108.0%
Census Tract 1018.02 7% Minority	4.5%	7.5%	0.2%	30.0%	126.0%
Census Tract 1006.01 11% Minority	5.0%	10.5%	21.0%	57.1%	141.0%
AVERAGE LOW MINORITY POPULATION TRACTS	7.6%	14.9%	15.2%	44.3%	125.0%

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010 & Swiger Consulting Analysis*

More detailed figures by census tract are presented in Appendix A in Table 1, the only table that provides data by Census Tract.

The HMDA data provide insight into the numbers of loans applied for, originated, and denied by race and ethnicity, though these figures are available only at the MSA level. Thus, a direct comparison or analysis of loan approvals and denials by census tract in Clarksville is not possible. However, the figures are useful for examining trends in the larger market, and assessing the general trends in Clarksville.

The table on the following page provides the data and calculations for the Clarksville MSA, showing the number of applications received, loans originated, applications denied, and those withdrawn or otherwise not approved by race and ethnicity of the applicant. The figures show that there were 11,876 applications in the MSA in 2010, so that Clarksville's 8,816 applications represented almost three-quarters of the total applications. It should be noted that Clarksville's statistics in consonance with those of the MSA, as the following table shows.

**Clarksville Percentages vs MSA Percentages
2010 HMDA Data**

	MSA	MSA %	C'ville	C'ville %
Total Applications	11,873		8,816	
Loans Originated	7216	60.8%	5396	61.2%
Apps Denied	2443	20.6%	1681	19.1%
W-drawn	1406	11.8%	1128	12.8%

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

The percentage of loans originated for the City is less than one percent higher than that of the MSA, while the denial percentage is only one-half a percent lower than the MSA.

The figures for the MSA show that White loan applicants for all types of loans constituted the majority (74.2%) of loan application for the period, with African American applicants third at 10.5 percent. It should be noted that the "Race Not Available" group at 11.4 percent was second, which is an unusually high percentage. The loan denial rate was highest for Two or More Minority Races (36.4%), followed by African-American applications (27.0%), and Race Not Available (25.8%). White applicants had the second lowest denial rate (18.9%), while Joint (White/Minority) had the lowest denial percentage of 16.3 percent. African Americans do not have the highest percentage of withdrawn or incomplete applications, but the groups that do have higher percentages are far fewer in number. Whites had a rate of withdrawn or incomplete applications that was moderate relative to the other groups involved.

Compared to the overall origination percentage (60.8%), Whites, Asians, and Joint (White/Minority) applicants exceeded the norm, while other minorities were below this figure and the Two or More Minority Races figure was only 74.8 percent of the norm.

The figures for Ethnicity (Hispanic or Non-Hispanic) indicates a high degree of equality in loan origination and loan denial among Hispanic, non-Hispanic and Joint Hispanic applicants, close to or slightly above the overall origination percentage. Those in the Ethnicity Not Available group, however, were well below the overall origination percentage and well above the loan denial rate.

Clarksville MSA
Disposition of Loan Applications by Race/Ethnicity, 2010
(Home Purchase, Refinance, and Home Improvement Loans)

Race/Ethnicity	Applications Received	# Loans Originated	Loan Origination Rate	Applications Denied	Loan Denial Rate	Withdrawn, Not Accepted, Closed or Incomplete
American Indian/Alaskan Native	66	37	56.1%	14	21.2%	15
Asian	111	76	68.5%	23	20.7%	12
Black or African-American	1250	669	53.5%	338	27.0%	243
Hawaiian or Pacific Islander	47	25	53.2%	11	23.4%	11
White	8820	5640	63.9%	1667	18.9%	1513
Two or More Minority Races	11	5	45.5%	4	36.4%	2
Joint (White/Minority Race)	208	136	65.4%	34	16.3%	38
Race Not Available	1363	628	46.1%	352	25.8%	383
TOTAL FOR RACE	11876	7216	60.8%	2443	20.6%	2217
Hispanic or Latino	387	236	61.0%	72	18.6%	79
Not Hispanic or Latino	9956	6238	62.7%	1975	19.8%	1743
Joint Hispanic or Latino	154	93	60.4%	31	20.1%	30
Ethnicity Not Available	1379	649	47.1%	365	26.5%	365
TOTAL FOR ETHNICITY	11876	7216	60.8%	2443	20.6%	2217

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

The following table examines the same loan data, but from the perspective of the income levels of the applicants. In the FFIEC table the data was not presented in four income ranges as is the case elsewhere, so the moderate income category (now 80-119% of MHI)

is larger. Also because the “No Income Reported” figures are not shown, there are discrepancies in the totals.

The 80-119% applicant group was by far the largest, twice the number of the second largest group, the 120+% percent of Median Household Income group. As is typically the case, the rate of loan denial rate decreased as income level increased. The percentage of loan withdrawal was close across all income levels, though the lower income ranges had the lower percentages of withdrawals.

Clarksville MSA
Disposition of Loan Applications by Income Level, 2010
(Home Purchase, Refinance, and Home Improvement Loans)

Income of Applicant	# of Applications	# of Loans Originated	Loan Origination Rate	# of Loan Denials	Loan Denial Rate	# Withdrawn, Not Accepted, Closed, or Incomplete	Rate
< 50% of MHI	0	0	0.0%	0	0.0%	0	
50-79% MHI	542	303	55.9%	138	25.5%	101	18.6%
80-119% MHI	6868	4133	60.2%	1259	18.3%	1476	21.5%
120+% of MHI	3364	2153	64.0%	521	15.5%	690	20.5%
TOTAL	10774	6589	61.2%	1918	17.8%	2267	21.0%

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

The HMDA data also shows the reasons for denial by race and ethnicity. The table below shows that among all races and ethnicities the primary reasons for denial were Credit History, Collateral, and Debt to Income Ratio. Credit History was the reason for the greatest number of denials overall (668), followed by Collateral (391), and then Debt/Income Ratio (377). This pattern applies to both Whites and African-Americans. Though the African-American applicants had a somewhat higher denial percentage than Whites because of Credit History (38.0% vs 31.0%), they had a somewhat lower percentage of denials because of Collateral issues. Though not significant in terms of percentages, it should be noted that White applicants had the greatest number of denials because of Employment History, Unverifiable Information, and Incomplete Applications. Note that some of the highest percentages of denial result from a small number of cases for some groups such as Native Americans and Pacific Islanders.

The same patterns emerge when examining the data from the perspective of Ethnicity.

Clarksville MSA
Reasons for Loan Denial by Race and Ethnicity, 2010
(Home Purchase, Refinance, and Home Improvement Loans)

Race or Ethnicity	Debt to Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Information	Credit Appl. Incompl	Other	Total Denials
	# Cases	# Cases	# Cases	# Cases	# Cases	# Cases	# Cases	# Cases	# Cases
American Indian or Alaskan Native	0	0	4	5	1	0	2	2	14
Asian	6	1	4	2	0	2	1	5	21
Black or African-American	52	4	107	43	7	9	11	42	275
Hawaiian or Pacific Islander	4	0	2	1	0	1	0	1	9
White	270	37	446	261	41	57	92	207	1411
Two or More Minority Races	0	0	4	2	1	0	0	0	7
Joint (White and Minority Race)	4	0	7	7	1	1	0	6	26
Race Not Available	41	5	94	70	10	12	29	33	294
TOTAL FOR RACE	377	47	668	391	61	82	135	296	2057
Hispanic or Latino	14	1	27	14	3	0	6	4	69
Not Hispanic or Latino	315	40	539	303	48	67	95	257	1664
Joint Hispanic or Latino	8	1	7	5	0	1	0	3	25
Ethnicity Not Available	40	5	95	69	10	14	34	32	299
TOTAL FOR ETHNICITY	377	47	668	391	61	82	135	296	2057

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

The following table shows the reason for denial data from the perspective of loans denied by income level. The number of denials by reason remains the same and the overall denial rate is 17.3 percent. As one would expect the percentage of denials in general

decreases as the income level increases. Thirty percent of loan applications by the lowest income applicants were denied, compared to only 16.0 percent among the highest income applicants. Debt to Income Ratio and Credit History were the most common reasons for denial among low-income applicants, while Credit History and Collateral were the most common for high income applicants.

**Clarksville MSA
Reasons for Loan Denial by Income Level, 2010
(Home Purchase, Refinance, and Home Improvement Loans)**

Income as % of MSA Median	Total # of Applications	Debt to Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Info	Credit Appl. Incomplete	Other	Total Denials by Income Level	% Denials by Income Level
		# Denied	# Denied	# Denied	# Denied	# Denied	# Denied	# Denied	# Denied	# Denied	% Denied
< 50%	811	81	11	77	25	10	8	6	25	243	30.0%
50-79%	2002	103	15	149	58	13	15	7	46	406	20.3%
80-99%	1704	40	3	102	45	8	10	19	36	263	15.4%
100-119%	1320	40	5	74	46	11	8	16	45	245	18.6%
> 120%	4676	107	12	207	189	19	35	57	121	747	16.0%
Income Not Available	1363	6	1	59	28	0	6	30	23	153	11.2%
TOTAL	11876	377	47	668	391	61	82	135	296	2057	17.3%

*Source: Federal Financial Institutions Examination Council (FFIEC)
Home Mortgage Disclosure Act (HMDA), 2010*

CRA RATING

The Community Reinvestment Act (CRA) is intended to encourage regulated financial institutions to help meet the credit needs of entire communities, including low and moderate-income neighborhoods. CRA ratings are provided for the main or regional headquarters of the financial institution. Depending on the type of institution and total assets, a lender may be examined by different agencies for its CRA performance. Databases maintained by the Federal Reserve Board (FRB), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of the Currency (OCC) were researched for the performance of the top financial institutions issuing home loans.

Among the lenders active in the City, nine received ratings from the FFIEC. The table below shows the most recent rating received by these financial institutions. All lending institutions examined received Satisfactory ratings.

**FFIEC Interagency Community Reinvestment Act (CRA) Ratings
Clarksville, TN MSA: 2011**

Institution Name	State	Year Rated	Rating
Farmers and Merchants Bank.	TN	2011	Satisfactory
Guaranty Federal Savings (Green Bank)	TN	1996	Satisfactory
Bank of America	TN	2009	Satisfactory
Region Bank	TN	2009	Satisfactory
Heritage Bank	TN	1999	Satisfactory
Planters Bank	TN	2008	Satisfactory
Legends Bank	TN	2011	Satisfactory
Cumberland Bank and Trust Company	TN	2007	Satisfactory
First Federal Savings Bank	TN	2008	Satisfactory

Source: Federal Financial Institutions Examination Council's (FFIEC), 2009

FAIR HOUSING COMPLAINT DATA

As described earlier, there are a number of organizations and agencies with oversight in the area of fair housing and discrimination in housing. This section of the Analysis of Impediments will review and assess information about housing discrimination complaints and reports on housing opportunity in Clarksville.

There were no Title VIII complaints filed in Montgomery County in 2010, nor are there any Department of Justice cases involving Entities in Montgomery County.

The Tennessee Human Rights Commission documents and reports available on its Website do not contain any information about housing discrimination complaints pertaining to Montgomery County or Clarksville specifically. Attempts to obtain more detailed information about fair housing complaints from the Commission were unsuccessful. The Commission's Housing Division statistics that are available indicate only that Montgomery County is not among the top five counties filing discrimination complaints. A follow-up e-mail from the Division's Housing Coordinator stated that only six percent of housing discrimination complaints came from Montgomery County. This would equate to eight of the State's 140 accepted complaints.

However, since the Commission is the administrator for fair housing issues, the data obtained from the HUD Fair Housing Equal opportunity Website is very likely as accurate and current as any obtained from the Commission.

The FHEO data is available only at the County level and thus the figures presented here reflect the County, not simply the City. The data cover the period July 2006 to July 2010, and are the most recent and complete available. During this period there were fifteen complaints filed. A breakdown by year and type of complaint follows:

Fair Housing Complaints Filed with HUD, Montgomery County, 2007-2010

Year	Basis of Complaint
2006	Disability
2007	Race - Black
2007	Race – Black and White
2008	Disability
2008	Religion
2008	Race - Black
2008	Race – Multi-Racial
2008	Color
2008	Race – Hispanic
2009	Disability
2009	Disability
2009	Disability
2009	Disability
2010	Disability & Sex
2010	Disability & Retaliation

Source: HUD, Office of Fair Housing and Employment Opportunity

A complaint may be filed on multiple grounds and the statistics also show what race was the subject of their complaint. One-third of these complaints are based upon Race, and over one-half are involved Disability, a trend that is increasing around the nation.

Though not directly related to fair housing, the Human Rights Commission does keep statistics on hate crimes. This data indicates that such crimes are declining in Clarksville from a high eleven reported incidents in 2006 to one in 2010.

These data do not capture the totality of fair housing conditions in Clarksville. Not all fair housing problems are recorded or come to light as fair housing complaints. Many persons do not lodge a complaint, because, as a fair housing advocate in Oregon observed, “*All they [persons seeking housing] want is a house, not a Federal case.*”

REAL ESTATE ADVERTISING

This assessment of fair housing practices in Clarksville included a review of a number of publications containing advertisements for housing, both for sale and rental. Overall, there does not appear to be any attempt to exclude or discriminate against any of the protected classes. The real estate advertisements in *The Leaf and Chronicle* were

examined for three randomly selected Sundays in the period June through October 2011, as were a few weekday classified sections. In a few instances, display ads did not include the fair housing logo, and in most of the ads the logo was present, but very small. In fairness, the Realtor© logo was also very small in these ads, as the real estate firms were paying to sell houses. Some of the individual ads (classified style) indicated “no pets” or “credit check required,” but there was nothing discriminatory; indeed, some ads noted proximity to schools and/or work or Fort Campbell, and one noted the acceptance of Section 8 vouchers.

A review of the City’s Yellow Pages showed that all but one display ad showed the fair housing logo.

A number of other free real estate publications, the type found at grocery and convenience stores, were also examined. *The Peddler*, though not a real estate publication, did have several house and apartment notices, none of which showed any sign of discriminatory language. The October, 2011, *Real Estate Digest* contained no language or descriptions that suggested discrimination, though a few ads did not display the fair housing logo. All of the ads in *The Apartment Finder* contained the logo and had no discriminatory language, while *The Apartment Guide Magazine* had ads noting handicap accessibility, “accept Section 8”, and most ads displayed the fair housing logo. The Clarksville section of the regional publication, *The Nashville Apartment Guide*, included ads that referenced handicap accessibility, featured the fair housing logo, and noted that some complexes had income guidelines.

A review of on-line housing Websites (Craigslist.com and homefinder.com) included some ads noting no students, income restrictions, no pets, or no smokers, but nothing discriminatory.

It should be noted that there are only four minority-owned real estate firms among the sixty firms in the Clarksville area. The Clarksville Association of Realtors does not keep demographic statistics about its members, so there is no reliable count of minority brokers and agents.

OBSERVATIONS

1. The HMDA data are inconclusive in identifying or defining any impediment to fair housing.
2. However, the loan denial rate was highest for Two or More Minority Races (36.4%), followed by African-American applications (27.0%), and Race Not Available (25.8%) compared to the denial rate of 18.9% for Whites.
3. The number of FHEO complaints for the period under review was modest and declining after 2008
4. There was no clear sign of discrimination in the language or illustrations of housing advertising in the area’s real estate publications or on line sites.

6) PUBLIC POLICIES AND PRACTICES

LAND USE PLAN - HOUSING

Public policies established at the local level can affect housing development and therefore, may have an impact on the range and location of housing choices available to residents. Fair housing laws are designed to encourage an inclusive living environment and active community participation. An assessment of public policies and practices enacted by the City can help determine potential impediments to fair housing opportunity. To identify potential impediments to fair housing choice and affordable housing development, housing-related documents (e.g., zoning code materials, previous fair housing assessments) were reviewed, and interviews with fair housing advocates and practitioners were conducted in preparing this AI. This section of the Analysis focuses on public policies that may impede fair housing choice in Clarksville.

Tennessee law requires municipalities to prepare Land Use Plans, including a Housing Element. This element establishes a goal of ensuring that all residents of the state have access to adequate and affordable housing. The Land Use Plan also includes a housing opportunities objective to provide quality housing and a range of housing size, cost, and density that should be provided in each community, to make it possible for all who work in the community to also live in the community. In these Plans local governments evaluate the composition and quality of the community's housing stock, the age and condition of housing, the cost of housing, the needs of households that are cost burdened, the relationship of local housing costs and availability to the socioeconomic characteristics of these households and special housing needs in the community (e.g., housing needs of residents who are elderly; homeless; persons with mental, physical, or developmental disabilities; and persons with HIV/AIDS).

The Land Use Plan Update for Clarksville and Montgomery County addresses these topics for each of the area's planning districts, and three objectives and the necessary policies to achieve each objective. The goals note in particular the need to promote safe, affordable housing with linkages to employment centers and shopping areas. Further, the Plan specifically notes the aim of reducing concentrations of low-income persons, those with disabilities, minorities, the elderly and those dependent upon special facilities and services.

BUILDING AND ZONING CODES

The City also has a Building Code and a Zoning Code, which serve to protect the public interest and create safe and sanitary living conditions. However, both can affect fair housing choice. Inspection costs, permit fees, and higher quality construction requirements tend to drive up the cost of housing. Requirements for various kinds of building permits also increase the cost of a housing unit. Similarly zoning requirements that define or exclude certain types of housing can reduce the opportunity to develop a range of housing choices for individuals across the community. Overall, the City's Codes do not appear to restrict fair housing choice.

The fair housing equation is balanced on one end with equal access and on the other end with a range of housing choice. To ensure fair housing choice in a community, a zoning ordinance should provide for a range of housing types, including single-family, multi-family, second dwelling units, mobile homes, licensed community care facilities, employee housing for seasonal or migrant workers, assisting living facilities, emergency shelters, and transitional housing. Single and multi-family housing types include detached and attached single-family homes, duplexes or half-plexes, townhomes, condominiums, and rental apartments. The City Code permits this range of development and permits a range of housing in a range of areas within the City.

However, there are several issues that could impinge upon fair housing choice. The definition of Group Quarters is vague in terms of the number of persons who can reside in a unit and in the usage of the term. There is no clear definition of disability, nor is there any language that specifically addresses transitional housing. These are important issues in that the number of persons residing in a halfway house or transitional facility may be affected by the presence not only of clients but resident counselors.

The issue could become one of concern as the City currently has ten licensed residential facilities for persons recovering from drug addiction or alcoholism or persons with mental retardation. The need to open additional such group homes or transitional housing often creates a “Not In My Backyard” reaction and the number of residents and other definitional issues can be used to block the creation of new facilities.

Further, despite the goals of the Land Use Plan and the City’s efforts to create incentives and zoning to facilitate the construction of affordable housing units, both rental and owner-occupied, developers have seldom undertaken the construction of such units. One focus group participant noted by way of example that if a developer built twelve units in subdivision and one of those units was required to be affordable, developers would often build only ten units on the tract to avoid building the affordable unit. Other examples of avoiding the construction of affordable units emerged in other discussions and the consensus was that without greater measures from the state level and a better understanding of affordable housing on the part of developers, it will be difficult to develop a greater supply of affordable housing.

TRANSPORTATION

Transportation from housing to work, to services, and to shopping is an essential part of fair housing. Persons without automobiles, persons with disabilities, the elderly, and many others need access to reliable and convenient transportation. The City of Clarksville is served by the Clarksville Transit System which provides eight routes that cover much of the City. Seven of the routes pass through the downtown, while an eighth route connects the shopping area along northern Wilma Rudolph Boulevard with the shopping area at the intersection of the 101st Airborne Division Parkway and Fort Campbell Boulevard. This transit service provides access to the Veterans Plaza County

Offices and the Public Library, the Social Security Office, schools and other services. These routes also include major employment centers and medical service facilities.

Routes operate Monday through Friday from early morning to 7:00 or 8:00 PM, depending upon the route. Saturday service is more limited, and there is no Sunday service.

The CTS also operates a service for the disabled, "The Lift." The service is provided to disabled persons who meet certain criteria. The service is offered during the operating hours of the regular bus service.

OBSERVATIONS

1. The regional Land Use Plan has the goals of promoting safe, affordable housing with linkages to employment centers and shopping areas and reducing concentrations of low-income persons, those with disabilities, minorities, the elderly and those dependent upon special facilities and services.
2. The City's Building and Zoning Code do not limit fair housing, though some expansion and/or clarification of definitions relating to group homes and transitional housing are suggested.
3. The City's transit system does provide a means of transportation to most of the City's major employment, education, service, and shopping areas.

7) RESIDENT SURVEY & FOCUS GROUP MEETINGS

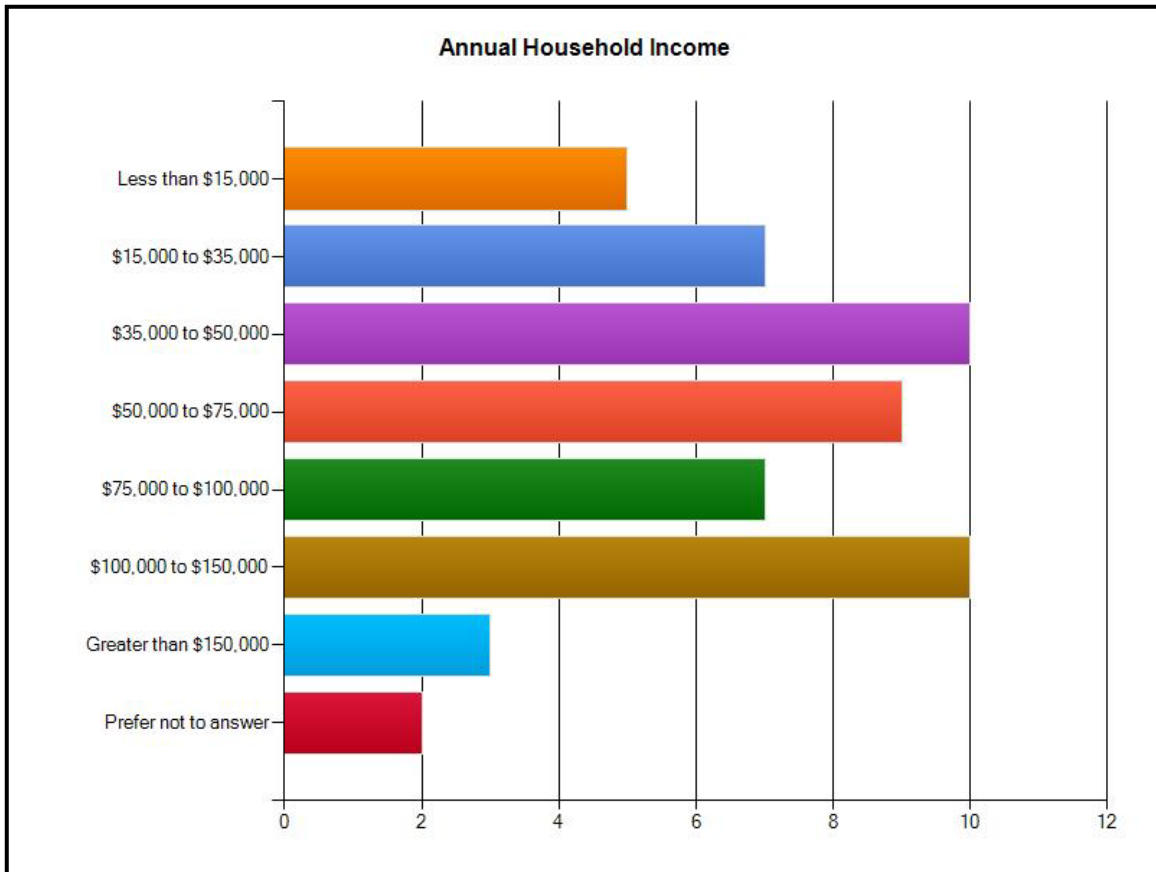
FAIR HOUSING SURVEY

The Office of Housing and Community Development conducted a survey on **Fair Housing** issues. The City's survey was conducted to determine the extent to which impediments to housing, whether intentional or unintentional, were evident to residents and what the nature of those impediments are. While many of the questions focused on discrimination and the understanding of fair housing, some of the questions were detailed or specific to zoning and land use issues with which the average citizen might not be familiar. This survey helped to identify the impediments to fair housing choices that exist in Clarksville. An analysis of the responses to all questions and a copy of the English language survey are provided in Appendix B.

The survey, available in English and Spanish, was posted on the City Website from mid-October to mid-December of 2011, was advertised in *The Leaf Chronicle*, and was distributed at the focus group meetings. Focus group attendees were encouraged to advise others to take the survey on line. There were 57 responses in all; there were no responses to the Spanish language survey.

The demographic data collected at the end of the survey indicated that seventy percent of the respondents were White, twenty percent were African-American, and two percent each were Asian or Two or More Races. Six percent chose the "Prefer Not to Answer" option and three people skipped the question altogether. Two people indicated that they were Hispanic.

The incomes of the respondents were fairly evenly spread across the spectrum. Only two people chose the "Prefer Not to Answer" option and only four skipped the question. The chart below shows the number of persons at each income range.



Source: Survey Monkey and Ernest Swiger Consulting

Seventy-two percent of respondents owned their own home, and of the twenty-eight percent who rented, two-thirds reported renting a house as opposed to an apartment.

Asked to indicate in which Ward they lived, 26 persons, almost one-half of the total respondents, skipped the question, some in the focus group sessions stating that they had no idea of which Ward they resided in. Wards Five and Ten were not represented in the survey, and Ward Eleven had the highest number of respondents (7), followed by Ward Six with five persons answering.

The respondent pool was not representative of the City's overall demographics. The income levels, the percentage of White persons, and the percentage of home owners were higher than comparable figures for the City.

Only five respondents indicated that they had personally experienced housing discrimination in Clarksville. Of this five only one went on to report this discrimination.

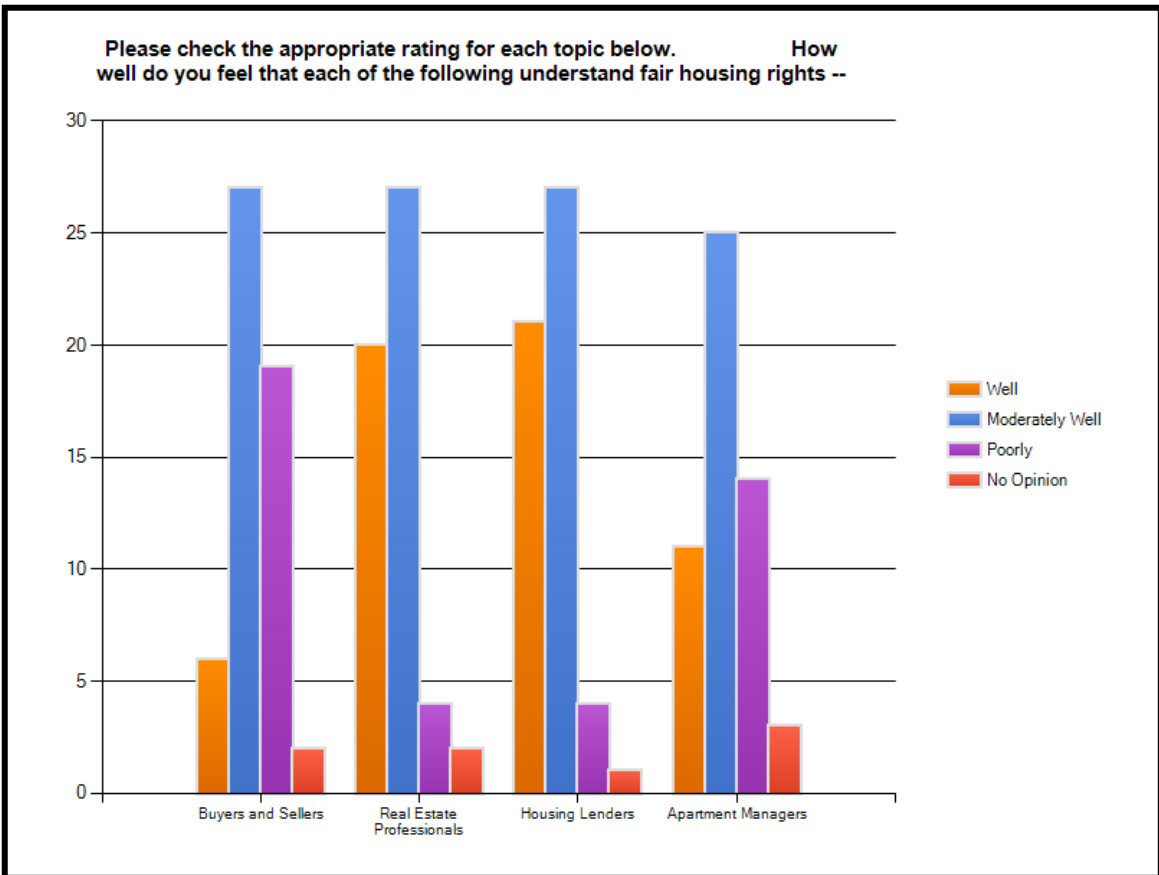
Asked if they believed that Clarksville has fair housing problems, one-third replied Yes, thirty percent replied No, and thirty-six percent replied "Do Not Know." This indicates a degree of uncertainty about the matter. Among those who identified specific neighborhoods, Lincoln Homes was cited four times, St. B and Songe Twice each, and

Washington Street twice. New Providence and North Clarksville were mentioned and one person responded with “rentals.”

Asked if persons would know where to report housing discrimination, fifty-five percent responded “No,” and almost one-quarter of respondents replied “Don’t Know.”

The results of the question about the extent of housing discrimination in Clarksville drew a similarly ambiguous response. Twenty percent saw it as less of a concern, twenty percent saw it as more of a concern, twenty three percent said it is not a concern, and the largest number, thirty-six percent, had no opinion.

The respondents felt that people involved in various aspects of real estate understood fair housing rights only “Moderately Well.” The graph below shows the number of persons responding with less than forty percent of Real Estate Professionals and Housing Lenders deemed to understand these rights “Well.”



Source: Survey Monkey and Ernest Swiger Consulting

Question Eight shows that there is a general understanding that the City does have a zoning ordinance (78.2% answering yes to the question), though 18.2 percent do not know.

Question Nine asks about public policies that might inhibit fair housing, and the fifty percent response of “Don’t Know,” is typical for most municipalities.

Questions Ten and Eleven ask about fair housing outreach and education. Almost one-half of the respondents replied in the negative and thirty percent replied “No Opinion.” This indicates a degree necessity for additional outreach. Asked about the means to conduct this outreach, twenty-two respondents felt that media attention and brochures were the best means to provide information. Related to that, forty-five percent of respondents felt that they were not well informed about housing laws and regulations.

FOCUS GROUP DISCUSSIONS

The Office of Housing and Community Development held three focus group meetings and one public meeting as part of the research for this revised Analysis. The following are synopses of each of the meetings. A copy of the presentation made to each, and copies of the sign-in sheets for each are found in Appendix E.

FOCUS GROUP 11/2/11

9:00 AM

City Officials, Zoning Representatives, and Housing Authority

This meeting was attended by nine persons.

The group began by discussing the needs of the disabled and elderly. One of the first points to be made was that discrimination is less of an issue than the availability of appropriate units. It was noted that one development for the disabled was located in an area without sidewalks. It was noted that the City does require that every twelfth unit in a development be handicapped accessible, but that many developers built only eight or ten units at a time, thus defeating this requirement. The group noted that the disabled population is increasing both more elderly and more disabled veterans.

The group felt that in order to avoid negative perceptions of affordable or subsidized housing, more needed to be done to make this housing blend in with the neighborhoods and be better mixed into the neighborhoods. The consensus was that the City needed to come up with more incentives to foster the development of handicapped units.

The topics of race, gender, familial status, and other issues did not elicit any comments when mentioned by the facilitator.

The City has a very diverse population with military retirees (many of whom are relatively young), seniors, Hispanics, and other minorities. However, the supply of

housing, especially affordable housing, is limited. The military need off-base housing as there is simply not enough on the base and this demand drives up prices for both rental and owner occupied units.

In summary, this group did not see any significant impediments to fair housing choice in terms of discrimination. Rather, the impediments they saw were based upon supply and price issues; a lack of affordable housing because of a strong market, and a lack of supply of units for the elderly and disabled in particular.

**FOCUS GROUP 11/2/11
1:30 PM
HOUSING DEVELOPERS, LENDERS**

This meeting was attended by ten persons.

The discussion began with one member reporting an instance in which a Realtor, late in the sales process, expressed racial bias. It was noted by several of the professional in the group that such language is strictly prohibited and that there is on-going training on this topic. The group noted that such training cannot always change people's thinking and ingrained biases, however.

Members of the group also noted that some people did not want to sell or rent to some people either because of inherent bias or on the basis of experience. Examples for the latter point included young people who trashed a place or people with children who left things in a very poor state (marked up walls, torn up rugs).

The group felt that the greatest impediment to housing choice right now is credit. Standards are high and many persons seeking to purchase cannot meet the current standards. There was some discussion to the effect that this also affected rental units as well.

In contrast to the morning group, the realtors and developers felt that there is an adequate supply of elderly and handicapped units, and that owners would be willing to modify units to accommodate the handicapped.

One key observation from this group was that in their opinion, many persons who might have felt discriminated against would not file a complaint. The reasons for this included fear of retribution, especially in the case of apartment renters, lack of knowledge of where to file a complaint, and the belief that filing a complaint would not make any difference.

Consideration of the issue of source of income created some debate. The consensus was that while it is difficult for some persons to show proof of adequate income, the prospective tenant or buyer should be able to produce two years of income tax filings to verify income.

The need to make affordable housing blend in with the neighborhood was also noted as an issue that needed addressing, though several examples of developments in which an observer could not identify the subsidized units were mentioned.

The consensus of this group was that discrimination still exists, but that it is more a function of individuals than a systemic or widespread concern.

FOCUS GROUP 11/3/11 9:00 AM COMMUNITY SERVICE PROVIDERS

This meeting was attended by thirteen persons.

The discussions began with the observation that there is not enough housing available for the disabled, and that some of that housing is not readily accessible via buses or sidewalks.

Rents and deposits were also deemed to be too high for persons who could pay the rent itself. This issue was raised especially with regard to persons moving on from a homeless shelter program. These persons have a job and stability, but have little if any savings for deposits and other payments to get into an apartment, especially if they require a two- or three-bedroom unit.

The issue is compounded by renters as well as homebuyers have credit checks run on them. These checks, for which the renter had to pay, discouraged applicants because the applicant would not meet the credit standards required in many cases, and the applicants knew this going in. One person did observe that the credit check was not a reliable gauge of the renter's likelihood to be a poor tenant. The better measure there was a reference check with previous landlords. Still, landlords were seeking the credit check, and charging for it, in addition to requesting the first month's and last month's rent as deposit, again imposing a burden on a prospective renter with little savings.

Indeed, as the discussion evolved, the group identified low income as the greatest impediment to housing choice.

Several instances were noted in which renters were told that if they complained to HUD about substandard conditions in their units, their lease would not be renewed. This is a

clear violation of people's rights, and it raised the question of do people know where to go to complain.

The group knew to forward these complaints to Legal Aid, which in turn, would provide contacts to the aggrieved party. The question remains though as to whether or not individuals would in fact file a complaint.

NIMBYism was seen as a sort of on-going issue that emerged in specific cases. There had not been a significant issue in this regard for several years.

The group noted that the supply of homes for large families was not present in Clarksville, though no one knew of any instances of discrimination on the basis of family size. It was observed that men seemed to have a more difficult time renting an apartment than women because men have "more issues."

The group agreed that there is a need for more affordable housing in the City, and that the City needed to define this need and get behind efforts to create it. Also, people in the City needed to be better aware of the programs and assistance that is available to them.

FOCUS GROUP 11/3/11

6:00 PM

HUMAN RELATIONS COMMISSION AND PUBLIC MEETING

This meeting was attended by six members of the Human Relations Commission. No members of the public attended.

This group made a number of observations about specific instances or situations of discrimination in the City. First, they noted a lack of assistance and discrimination toward offenders just released from jail. It was also observed, as it had been in the morning meeting, that some landlords did not want to make necessary repairs and were threatening about complaints on this topic. Another observation was that students at Austin Peay did feel some racial discrimination and discrimination because they are students. The idea of discrimination based on sexual orientation was raised but not explored. Renting to large families was seen as somewhat of a problem primarily because landlords feared damage to the unit. Finally, it was stated that despite the City's very diverse nature, there are cultural differences that remain, and which may be difficult to overcome.

Asked if housing discrimination is a significant issue, the group concurred that it not, but that people are not likely to complain in any event. The reason for this the group felt was that complaints would not yield results. It was also noted that some persons who purchased HUD affordable housing were moving out of those units and renting them.

The group had some anecdotes about not maintaining these units and felt that this renting of these units was not proper.

Accessibility was also discussed, but in terms of access to the City Council Chambers, which were deemed too small for many meetings and too difficult to get to for the handicapped.

OBSERVATIONS

The key points that emerge from the preceding discussion are:

1. There is ambiguity about the extent of housing discrimination in the City, though those that say it is present can identify specific areas in which it occurs.
2. The means or process to report discrimination is not clear.
3. There is a need for increased awareness about housing discrimination, based not only on the lack of certainty in responses to some questions, but in the responses to Question Ten.

8) FAIR HOUSING ACCOMPLISHMENTS – 2011

The Action Plan for 2010-2011 for Clarksville includes initiatives specifically to further fair housing choices and increase access to housing and housing programs and services. The following paragraphs describe these initiatives and accomplishments.

As noted earlier, the Human Relations Commission is establishing itself as the local fair housing enforcement organization. Members of the Commission are studying fair housing law and practices, establishing the necessary policy and procedural mechanisms, and creating the operational systems to receive and handle inquiries. This process will provide residents with a clearly defined and easily accessible means to make inquiry about fair housing concerns and to file complaints if necessary. The objective is to obtain equivalent status for the Human Relations Commission and to enact a new Fair Housing Ordinance.

The City produces and distributes written materials to market affordable housing and these materials all contain language relating to the prohibition of discriminatory acts against the protected classes. The City also has embarked upon an outreach campaign focused on the Hispanic community, producing and distributing printed materials, advertisements in local papers, public service announcements and fair housing brochures for distribution at outreach activities. The City has also implemented a classroom outreach program, designed to educate elementary school children.

The City has a fair housing brochure which is available at the Office of Housing and Community Development, neighborhood and community meetings, and the local Section 8 office. Fair housing information is available on the City Website (www.cityofclarksville.com/housingdevelopment), a description of and link to the City's Title VI office and forms is provided, and a link is provided to both HUD and a Fair Housing Website (you should check this link – it goes to the Leadership Conference on Civil Rights, but not to fair housing).

In addition to preparing this updates Analysis of Impediments to Fair Housing Choice, the Office of Housing and Community Development carries out an annual review of CDBG and HOME programs to ensure that owners are aware of and in compliance with the Affirmative Fair Housing Plan. Changes in the program will be advertised in the local newspaper at least seven days before any change takes place.

Have there been any of the Mayor's Housing Summits recently or any planned???

9) IDENTIFIED IMPEDIMENTS, RECOMMENDATIONS AND ACTIONS

Background

This section summarizes the key findings of the AI document, and makes recommendations for actions to eliminate impediments to fair housing choice in Clarksville. This information is as comprehensive as possible, and there likely remain a number of additional remedies to these and other problems faced by home seekers.

Housing discrimination continues to occur, and manifests itself in different ways among different segments of the population. Since it continues to be the goal of the City to eliminate any existing discrimination and prevent future housing discrimination and other impediments to equal housing opportunity, the recommendations provided below provide a guide to ensure fair access to housing for all City residents.

This 2011 AI builds upon the previous AI, analyzes recent data, identifies the private and public sector conditions that foster housing discrimination, and provides recommendations for dealing with the fair housing issues identified. Based upon research in statistical materials, a review of HMDA and complaint data, interviews and focus group discussion, as well as surveys, the following is a list of key potential impediments identified in Clarksville. Each impediment below is followed by recommendations to address and eliminate that impediment.

Several of these topics are closely related and linkages among them are noted.

It should be noted that in some instances, it is necessary to strike a balance among issues. Land use policies and requirements and development standards, although sometimes adding costs to construction or rehabilitation, are necessary for the safety and health of residents

It should also be noted that Clarksville appears to have a low incidence of housing discrimination, especially as evidenced by the small number of complaints on file. This may be due in part to presence of a diverse population and the presence of the troops stationed at Fort Campbell, many of whom live off base. These households and individuals not only create the population diversity, but their transfer from other areas of the nation brings an awareness of change and diversity. This is not to say that housing discrimination does not exist, but that it seems less prevalent.

Key Points

The earlier sections of this analysis noted the following key points. The Community Profile observed that:

7. The population is racially diverse, though there is a smaller percentage of Hispanic households than the national norm.
8. Only four Census Tracts have minority concentrations per HUD's definition, but these tracts are the ones with the lowest income levels, the oldest housing stock, and the most vacant properties. This may serve to limit housing opportunities for low-income households.
9. Despite a solid and diverse economic base, almost one-half of the population is in the low-income categories as defined by HUD. Unemployment has been stubbornly high and income levels are relatively low. Thus, affordability is a problem for a very large portion of the population, both owners and renters.
10. There is a high percentage of family households and those families are slightly larger than the national norm, indicating a demand for larger housing units.
11. There are relatively fewer elderly persons and persons living alone, thus a smaller demand for small housing units.
12. The Housing Authority has a significant wait list for Section 8 vouchers and for public housing units.

The review of complaint and lending data from the Office of Fair Housing and Employment Opportunity (FHEO) and the Housing Mortgage Data Act, as well as a review of recent real estate publications indicated the following:

1. The HMDA data are inconclusive in identifying or defining any impediment to fair housing in the data analyzed.
2. However, the loan denial rate was highest for Two or More Minority Races (36.4%), followed by African-American applications (27.0%), and Race Not Available (25.8%) compared to the denial rate of 18.9% for Whites.
3. The number of FHEO complaints for the period under review was modest and declined after 2008.
4. Disability was cited as the reason for housing discrimination complaints in both 2008 and 2009, indicating a serious concern.
5. There was no clear sign of discrimination in the language or illustrations of housing advertising in the area's real estate publications or on line sites.

A review of Public Policy issues showed the following:

1. The regional Land Use Plan has the goals of promoting safe, affordable housing with linkages to employment centers and shopping areas and reducing concentrations of low-income

persons, those with disabilities, minorities, the elderly and those dependent upon special facilities and services.

2. The City's Building and Zoning Code do not limit fair housing, though some expansion and/or clarification of definitions relating to group homes and transitional housing are suggested.
3. Despite attempts to develop affordable housing through the use of zoning and incentives, it has proven difficult to get developers to undertake affordable projects or to include affordable units in market rate projects.
4. The City's transit system does provide a means of transportation to most of the City's major employment, education, service, and shopping areas.

An analysis of the Community Survey and the focus group discussions showed:

1. There is ambiguity about the extent of housing discrimination in the City, though those that say it is present can identify specific areas in which it occurs.
2. The means or process to report discrimination is not clear, and people are not like to file a complaint because they feel it will do no good.
3. There is a need for increased awareness about housing discrimination, based upon the lack of certainty in responses to many of the questions, as well as the expressed need by half of the survey respondents for a better personal understanding of fair housing issues.
4. Affordability remains a key concern in the eyes of the focus group participants.
5. A number of focus group participants identified a need for more units for the disabled, large families, and the elderly, though developers and real estate agents felt the supply was adequate.

Impediments, Recommendations, and Actions

IMPEDIMENT ONE – NEED FOR INCREASED AWARENESS, OUTREACH AND EDUCATION

Clarksville has an active fair housing program. However, focus group discussions and survey results in particular note a lack of knowledge about fair housing law, policies, and practices. The need for on-going education, awareness, and outreach remains, especially among lower income households and minorities.

Recommendations:

- 1) Continue and expand efforts by City agencies, housing advocacy groups, and service organizations to inform renters and homebuyers of their rights and means of recourse if they feel they have been discriminated against.
- 2) Conduct City-led training sessions and information campaigns especially among rental property owners and managers, as well as apartment owner associations, and management companies.
- 3) Convene focus groups of advocacy groups, community based organizations, real estate industry professionals, lenders, property owners, and government agency officials to review and assess fair housing issues. These groups should identify discriminatory practices, trends, or changes in these practices, focal points of discriminatory practice, and the means or methods to address them.
- 4) Update Fair Housing information regularly and adjust strategies and actions accordingly. In particular, the groups mentioned above should continue to meet yearly (or perhaps twice yearly), for example at the Housing Summit.
- 5) Expand awareness efforts through school programs (e.g., poster contests, essay contests) coordinated with Fair Housing Month programs, and devote a Housing Summit session specifically to fair housing law and practice.
- 6) Work with housing advocacy and not-for-profit organizations to develop homeownership and home maintenance educational programs for first-time homebuyers to better prepare them for the responsibilities of ownership and home maintenance.
- 7) Continue and, if possible, expand existing to educate households and housing related organizations by disseminating Fair Housing law literature, conducting Fair Housing law seminars and training, and focusing public awareness campaigns about Fair Housing law in ethnic and minority neighborhoods, and among civic, social, religious, and special interest groups.
- 8) Provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with high percentages of Spanish-speaking persons.

IMPEDIMENT TWO – LIMITED SUPPLY OF AFFORDABLE HOUSING

As discussed earlier, affordability is one aspect of housing discrimination and it is difficult to talk about addressing impediments to fair housing, and actions to eliminate discrimination in housing, without simultaneously talking about development of policies, plans, programs, and projects to increase the supply of affordable housing.

Earlier sections of this Analysis addressed the issue of affordability. Suffice to say that even moderate-income households face challenges in purchasing a home in Clarksville, and low-income families face a significant cost burden for rental housing. Incentives for the creation of affordable housing should be structured so that they are stringent enough to produce the desired units, but palatable to the developer as well.

Recommendations and Actions

- 1) Continue to use all available federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and development of affordable units.
- 2) Continue to work with community based organizations, affordable housing developers, and housing advocacy groups to increase the supply of disability accessible housing units, leveraging resources to the extent possible.
- 3) Take advantage of the Neighborhood Stabilization Program resources to acquire housing units and make them affordable.
- 4) Continue and, if possible, expand housing rehabilitation programs to maintain the City's base of affordable units, both owner-occupied and rental.
- 5) Research other affordable housing programs for additional ideas and practices.
- 6) Continue to seek incentives to promote developers constructing a wide range of housing types at a number of price points, considering transportation, employment centers and the availability of services and shopping in their planning (See government policies below).
- 7) Housing for special needs populations and minorities should be scattered throughout the City.

IMPEDIMENT THREE – LACK OF CLEAR COMPLAINT AND ENFORCEMENT STRUCTURE

The City is aware of, and the survey and focus group discussions reinforced, the idea that there is no clear resource, agency, or mechanism to report housing discrimination. Beyond that, it appears that people would not report such discrimination because they feel it is useless or could bring negative consequences. This perception can be dispelled by first developing a clearly identified place and means to file a query or complaint, and then following through on that complaint while protecting the complainant.

Recommendations and Actions

1. The City should continue its efforts to make the Human Relations Commission the focal point for receiving and acting upon fair housing queries and complaints.
2. This entails a concerted effort to educate the public about the role

- of the Commission and how to contact the Commission with inquiries and formal complaints. This also means providing the Commission with the tools and resources to carry out its mission.
3. The City should emphasize ADA requirements and accessibility guidelines to all building department, code enforcement, and planning staff and Commissioners.

IMPEDIMENT FOUR – GOVERNMENT POLICIES

This impediment deals with issues relating to the development of land including housing that is available to a wide range of persons and income levels in disparate locations. This goal is affected by a wide range of factors, some of which are beyond the ability of the City to change.

Though not raised as an on-going concern in Clarksville, the proposed development or location of affordable housing, group homes, public housing, or Section 8 housing often draws storms of criticism and opposition from neighborhood residents. This “not-in-my-backyard” (NIMBY) attitude affects the availability of housing for people in the protected classes and is a significant challenge to achieving fair housing objectives.

While it is difficult to avoid this attitude, the City can take some measures to mitigate these challenges.

Recommendations

- 1) Ensure that reasonable accommodation and disabled access issues are properly addressed in municipal zoning and construction codes, especially noting the definitional issues raised earlier.
- 2) Do as much as possible to reduce review and approval process times for both new construction and home modification applications.
- 3) Encourage the use of universal design principles in new housing developments.
- 4) Ensure that local zoning ordinances and building codes properly address issues of concern with respect to higher density housing, persons with disabilities, and group homes/congregate living/community care.
- 5) Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval.
- 6) As noted in Impediment One, undertake a public outreach/education program about fair housing and affordable housing on a regular basis. While such efforts will not lay all misconceptions to rest, a broader understanding of the nature of fair housing and the types of persons and families involved will mitigate at least some opposition.

- 7) Seek new or additional incentives, as noted in Impediment Two, to get developers to undertake affordable projects or to include affordable units in market rate projects.

IMPEDIMENT FIVE – AWARENESS OF POTENTIAL DISCRIMINATION

The review of demographic information does not provide a clear indicator of housing discrimination among persons in the protected classes. However, statistical data can assist in identifying potential problems and topics of concern,

In the current economy and given the structure of the City's housing stock, the incidences of discrimination may focus on rental housing, and the focus of efforts in the immediate future should be upon aspects of discrimination in the rental market, and upon some groups within the protected classes.

In particular, discrimination among two protected classes should be addressed.

- Disabled persons may face discrimination or difficulties in finding appropriate units because of the small number of small units and the costs of building or adapting units.
- There is a high percentage of family households and those families are slightly larger than the national norm, indicating a demand for larger housing units.

Recommendations

- 1) Increase housing choice alternatives for the disabled and families with children by encouraging the construction of affordable, and especially rental, housing.
- 2) Convene focus groups of advocacy groups, community based organizations, real estate industry professionals, lenders, property owners, and government agency officials to review and assess fair housing issues. These groups should identify discriminatory practices, trends, or changes in these practices, focal points of discriminatory practice, and the means or methods to address them (See advocacy and outreach above).
- 3) The County should create a Fair Housing testing and auditing program, focusing upon rental properties at this time.