



City of Tulare

2020-2024 Analysis of Impediments to Fair Housing Choice



City of Tulare
Community & Economic Development Department
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Tulare, CA. 93274

Acknowledgment

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I. Introduction

Equal access to housing is fundamental to each person in meeting essential needs and pursuing personal, educational, employment or other goals. In recognizing equal housing access as a fundamental right, the federal government and the State of California have both established fair housing choice as a right protected by law.

This report presents a demographic profile of the City of Tulare, assesses the extent of housing needs among specific income groups and evaluates the availability of a range of housing choices for residents. This report also analyzes the conditions in the private market and the public sector that could limit the range of housing choices or impede a person's access to housing. As the name of the report suggests, the document reviews "impediments" to fair housing. Although this report also assesses the nature and extent of housing discrimination, it primarily focuses on identifying impediments that could prevent equal housing access and developing solutions to mitigate or remove such impediments.

Fair Housing

Federal fair housing laws prohibit discrimination in the sale, rental or lease of housing, and in negotiations for real property, based on race, color, religion, sex, national origin, familial status and disability. California fair housing laws build on the federal laws, including age, marital status, ancestry, source of income, sexual orientation, and "any arbitrary discrimination" as the protected categories under the laws. The following definition is used for this report:

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

Fair Housing Legal Framework

The federal Fair Housing Act of 1968 and the 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, color, religion, sex 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 Amendments Act provides for "reasonable accommodations," allowing structural modifications for persons with disabilities, if requested, at their own expense, for all dwellings to accommodate the physically disabled.



The California Department of Fair Employment and Housing (DFEH) enforces California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA; Part 2.8 of the California Government Code, Code Sections 12900-12996) prohibit discrimination and harassment in housing practices.

The Unruh Act (California Government Code Section 51) protects Californians from discrimination in public accommodations and requires equal access to the accommodations. The Unruh Act provides broad protection and has been held by the courts to prohibit any arbitrary discrimination on the basis of personal characteristics or traits, and applies to a range of types of housing.

The Ralph Civil Rights Act (California Civil Code Section 51.7) prohibits violence and threats of violence and specifies that housing situations are protected under this Act, which includes houses, apartments, hotels, boarding housing and condominiums. Violators of the Ralph Act can be sued for actual or emotional damages, in addition to civil penalties.

The Bane Civil Rights Act (California Civil Code Section 52.1) provides another layer of protection for fair housing choice by protecting all people in California from interference by force or threat of force with an individual's constitutional or statutory rights, including a right to equal access to housing. The Bane Act also includes criminal penalties for hate crimes. However, convictions under the act are not allowed for speech alone unless that speech itself threatened violence.

In addition to these acts, California Government Code Sections 111135, 65008 and 65589.5 prohibit discrimination in programs funded by the state and in any land-use decisions.¹

Housing Issues, Affordability and Fair Housing

The U.S. Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity Division distinguishes between housing affordability and fair housing. Economic factors that affect a household's housing choices are not fair housing issues per se. Only when the relationship between household income, household type, race/ethnicity and other factors create misconceptions, biases and differential treatment would fair housing concerns arise.

Tenant/landlord disputes are also typically not related to fair housing. Most disputes between tenants and landlords result from a lack of understanding by either one or both parties regarding their rights and responsibilities. Tenant/landlord disputes and housing discrimination cross paths when fair housing laws are violated and result in differential treatment.

What Is an Impediment to Fair Housing Choice?

According to HUD's *Fair Housing Planning Guide*, and based within the legal framework of federal and state laws, impediments to fair housing choice are:

- Any actions, omissions or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income,

¹ *Fair Housing Hotline Project, Legal Services of Northern California. (March 2004). "Fair Housing in California: Families with Children: A Manual for Housing Providers, Tenants and Advocates."*



sexual orientation or any other arbitrary factor that restricts housing choices or the availability of housing choices, or

- Any actions, omissions or decisions that 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, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice. Furthermore, eligibility for certain federal funds requires compliance with federal fair housing laws. Specifically, to receive HUD Community Planning and Development (CPD) formula grants, a jurisdiction must:

- Certify its commitment to actively further fair housing choice.
- Maintain fair housing records.
- Conduct an Analysis of Impediments to Fair Housing Choice.

Purpose of Report

This Analysis of Impediments to Fair Housing Choice (AI) provides an overview of laws, regulations, conditions and other possible obstacles that could either affect an individual's or a household's access to housing in the City of Tulare. The AI includes:

- A comprehensive review of Tulare's laws, regulations and administrative policies, procedures and practices, as well as an assessment of how they affect the location, availability and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

The scope of analysis and the format used for this AI adhere to recommendations contained in the *Fair Housing Planning Guide* developed by HUD.



Organization of Report

The AI is divided into six sections:

Section 1: Introduction defines fair housing and explains the purpose of this report.

Section 2: Tulare Profile presents the demographic, housing and income characteristics in Tulare. Major employers and transportation access to job centers are identified. The relationships among these variables are discussed.

Section 3: Mortgage Lending Practices analyzes private activities that could impede fair housing choices in Tulare.

Section 4: Public Policies and Practices evaluate various public policies and actions that could impede fair housing choices in Tulare.

Section 5: Assessment of Fair Housing Practices evaluates the fair housing services available to residents and identifies fair housing complaints and violations in Tulare.

Section 6: Findings, Recommendations and Actions provide conclusions and recommendations about fair housing issues in Tulare.

At the end of this report, a page is attached that includes the endorsement of the City Manager and a statement certifying that the AI represents Tulare's official conclusions regarding impediments to fair housing choice and the actions necessary to address these impediments.

Reporting Staff and Data Sources

This report, prepared through a collaborative effort between the City staff and GRC Associates, Inc., under contract to the City of Tulare, is funded through Community Development Block Grant (CDBG) funds.

The following data sources were used to complete this AI. Sources of specific information are identified in the text and tables.

- City of Tulare 2015-2020 Consolidated Plan
- City of Tulare Draft 2020-2024 Consolidated Plan
- City of Tulare Analysis of Impediments to Fair Housing Choice 2015
- City of Tulare General Plan (adopted October 7, 2014)



- City of Tulare Final Housing Element of the General Plan 2015-2023, submitted to California Department of Housing and Community Development (HCD) on January 29, 2019, under review. City submitted their 2018 Annual Progress Report to HCD earlier this year.
- Tulare Council of Governments Regional Transportation Plan/Sustainable Communities Strategy (2014)
- Tulare Council of Governments Regional Housing Needs Assessment (2014-2023)
- California Department of Finance Population and Housing Estimates (2019)
- California Employment Development Department (2019)
- Home Mortgage Disclosure Act (2019)
- U.S. Census Bureau American Community Survey (2013-2017)
- U.S. Census Bureau, 1980, 1990, 2000 and 2010
- U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy Data (CHAS) 2015

Public Participation

This AI Report has been developed to provide an overview of laws, regulations, conditions or other possible obstacles that could affect an individual's or a household's access to housing. As part of this effort, the report incorporates the issues and concerns of residents, housing professionals and service providers. To assure that the report responds to community needs, the development of the AI includes a community outreach program consisting of community meetings, an on-line survey, service provider interviews and City Council public hearings.

In efforts to maximize public participation in the development of the City's Consolidated Plan and AI, English and Spanish community meeting public notices were published in the Tulare Advance Register and Visalia Times Delta newspapers on July 1st, 8th, and 15th, 2019. The English and Spanish public notices were also sent in the July 2019 water bill to approximately 19,000 households within the City. The public notices were sent via the Kings Tulare Homeless Alliance list server to over 330 stakeholders on June 14, 2019. The public notices were also sent via the Tulare Chamber of Commerce list service to over 350 stakeholders on June 21, 2019. The public notices were posted on the City's website and Facebook page. The public notices were also posted conspicuously at City Hall, the Tulare Senior Community Center, the Tulare Public Library and the Meitzenheimer Community Center from June 1, 2019 through July 31, 2019.



Community Meetings

Together with the development of the City of Tulare 2020-2024 Consolidated Plan, residents, businesses, and public and private agencies were also invited to participate in the discussion of fair housing issues in Tulare.

The City of Tulare completed an extensive community outreach effort in 2019 and 2020 to maximize the level of community involvement. The three community meetings in 2019 were conducted on the following dates and locations:

- **July 2, 2019 – Tulare Public Library**
 - 475 North M Street, Tulare, CA 93274 at 5:30 pm
- **July 11, 2019 – Tulare Chamber of Commerce**
 - 220 East Tulare Avenue, Tulare, CA 93274 at 5:30 pm
- **July 17, 2019 – Roosevelt Elementary School**
 - 1046 West Sonora Avenue, Tulare, CA 93274 at 5:30 pm

In addition, the City scheduled the following community meeting and public hearings during the City's 2020-2024 Consolidated Plan and Analysis of Impediments to Fair Housing Choice 30-day public comment review period beginning April 6, 2020 through May 5, 2020:

Community Meetings:

- **April 21, 2020 – Tulare Public Library**
 - 475 North M Street, Tulare, CA 93274 at 5:00 pm

Public Hearings

- **April 21, 2020 - City Council Meeting (Review Draft)**
 - Tulare Council Chambers, 475 North M Street, Tulare, CA 93274 at 7:00 pm
- **May 5, 2020 - City Council Meeting (Adoption)**
 - Tulare Council Chambers, 475 North M Street, Tulare, CA 93274 at 7:00 pm

The meetings provided the opportunity for the Tulare community to gain awareness of fair housing laws, and for residents and service agencies to share fair housing issues and concerns. To ensure that the fair housing concerns of low- and moderate-income and special needs residents were addressed, individual invitation letters were distributed via mail and email, if available, to agencies and organizations that serve the low- and moderate-income and special needs community. In addition, community meeting notices were posted on the City's website at www.tulare.gov in both English and Spanish. **Appendix A** includes the public presentation and sign-in sheets.



The meetings provided the opportunity for the Tulare community to gain awareness of fair housing laws, and for residents and service agencies to share fair housing issues and concerns. To ensure that the fair housing concerns of low- and moderate-income and special needs residents were addressed, individual invitation letters were distributed via mail and email, if available, to agencies and organizations that serve the low- and moderate-income and special needs community. In addition, community meeting notices were posted on the City's website at www.tulare.gov in both English and Spanish. **Appendix A** includes the public presentation and sign-in sheets.

As a result of an extensive outreach effort, attendance at the public meetings included several service providers and citizen groups that work with residents considered a protected class according to HUD's definition. Participants had the opportunity to discuss community needs in the development of the 2020-2024 Consolidated Plan and the AI, both of which will be adopted concurrently by the City on May 5, 2020.

Community Fair Housing Survey

To supplement the community meetings and to assist in further understanding the fair housing issues in the City, a Fair Housing Survey was made available to Tulare residents at the Community Development Department and online via the City's website. In addition, surveys were available at strategic locations throughout the City by staff. Spanish versions of the survey were provided to reflect the diversity of Tulare's residents. During the June 10, 2019 to July 31, 2019 survey period, 29 AI surveys were completed, either online or hardcopies were submitted by Tulare residents to City staff.

The survey consisted of questions designed to gather information on a person's experience with fair housing issues and perception of fair housing issues in his/her neighborhood. A copy of the survey and a summary of the results are included in **Appendix B**.

Service Provider Meetings

In addition, the City met and/or contacted various housing and other organizations, including the Housing Authority of Tulare County-HATC, Fair Housing Council of Central California, the Kings/Tulare Homeless Alliance, Altura Centers For Health, Leadership Council for Justice and Accountability, Grandma's House, the Tulare Emergency Aid, United Way of Tulare County, Family Services of Tulare County, and Kings View Corporation to provide and receive information on the development of the Consolidated Plan and AI. Input from the various organizations provided in-depth context and insight into housing conditions and fair housing issues for residents in Tulare.

Public Review

During a 30-day public review period (April 6, 2020 – May 5, 2020), the draft AI document was made available at the following locations:

- Tulare City Hall - 411 East Kern Avenue, Tulare



- Tulare Public Library - 475 N. M Street, Tulare
- Tulare Senior Community Center - 201 North F Street, Tulare
- Claude Meitzenheimer Community Center - 830 South Blackstone Street, Tulare
- Tulare Chamber of Commerce - 220 East Tulare Avenue, Tulare
- Tulare City website (www.tulare.gov)
- City of Tulare's Facebook page

An English and Spanish notice of public review was published in the *Tulare Advanced Register and Visalia Times Delta* on April 6th and April 20th, 2020. The public notices were sent via the Kings Tulare Homeless Alliance listserv to over 330 stakeholders. The public notices were also sent via the Tulare Chamber of Commerce April 2020 newsletter and listserv to 2,000 stakeholders. In addition, all persons that attended the community meetings were emailed the location of the public review document on the City's website and asked to provide any further comments for incorporation.

Written comments received from the public during the 30-day review period from April 6, 2020 through May 5, 2020 are included in **Appendix C**.

Public Hearings

A public hearing before the Tulare City Council will be held on April 21, 2020 to accept community input on the City of Tulare 2020-2024 Consolidated Plan, Analysis of Impediments to Fair Housing Choice, Citizen Participation Plan and 2020-2021 Action Plan, before the City Council considers approval of the documents. A second public hearing was conducted on May 5, 2020 to adopt the City of Tulare 2020-2024 Consolidated Plan, Analysis of Impediments to Fair Housing Choice, Citizen Participation Plan and 2020-2021 Annual Action Plan.

Key Issues Identified

Key issues identified from public outreach efforts, including the resident survey, advisory meetings and interviews with service providers offered insight into the following issues and recent trends related to fair housing in Tulare:

- **AI Housing Survey (June 10, 2019 to July 31, 2019)**. The City of Tulare had an extensive survey effort (on-line and print versions of surveys in English and Spanish). There were 29 residents that submitted input about housing discrimination and related issues. (Please see **Appendix B** for survey results.) Some of the key input from the surveys was the following:
 - Residents facing housing discrimination: Four residents (14.3 percent of respondents) stated that they had faced housing discrimination.



- Type of discrimination: Two residents said that they faced discrimination based on race and one said they faced discrimination based on their family status.
- Informed about housing discrimination: Only 42.3 percent of the respondents said they were well informed about this issue.
- Reporting housing discrimination: The majority of respondents (88.5 percent) would report housing discrimination. And, 75.0 percent would report discrimination to the City of Tulare. Respondents also mentioned that they would report discrimination to the Department of Fair Employment and Housing, HUD and Housing Authority of Tulare County.
- Actions to prevent housing discrimination in Tulare: Respondents provided recommendations that revolved around providing housing discrimination information to residents (owners and renters) and property managers in a better manner and also increasing the number of housing units that would be available to residents at all income levels in all sections of Tulare.
- **Community Outreach Workshops (July 2, 2019, July 11, 2019, and July 17, 2019).** The City of Tulare held workshops in different parts of the community to obtain input from residents about housing discrimination and also other issues. Not one person, in any of the three workshops, stated that they had been discriminated when trying to procure housing. Nor, did anyone know of a person that had faced housing discrimination in Tulare. One person said at one of the workshops that it would be very difficult to find out if they were denied because of discriminatory issues. They said property owners and/or landlords would not be so blatant in their denial of housing. One resident said they faced discrimination because their income was not high enough for the property management company. This action, by itself, is not discriminatory. Key issues raised at these workshops, by meeting are as follows:
 - **July 2, 2019 (Tulare Public Library):** Key issues included the high level of rents and lack of housing in Tulare and nearby cities. Specifically, a resident stated that property managers requiring that renters earn three times the asking rent was discrimination against lower income people. Another resident also mentioned that there may be housing discrimination against the homeless.
 - **July 11, 2019 (Tulare Chamber of Commerce):** There were not any people at this workshop that were aware or had heard of someone that had encountered housing discrimination. It was mentioned that perhaps the reason was that people that were discriminated did not know where to take their complaints. The general consensus at this meeting was that the problem was not housing discrimination, but that there was not enough supply of housing in Tulare.



- **July 17, 2019 (Roosevelt Elementary School):** No one stated that they were discriminated because of race or other factors in Tulare, and were not aware of others being discriminated against by landlords. Though, they were not 100% sure, because if a renter was denied a housing unit, how would they know that it was because of their race or other factors? The applicant could not know, unless they were explicitly told, and nowadays that would probably not happen. An attendee mentioned that many people either do not report discrimination (because they are scared of being reported to immigration officials) or, do not know where to report discrimination. City has a website with information about reporting discrimination, and some people (17) have reported their situations within the past 4.5 years. A need to better let the communities know about resources to address discrimination was expressed.



2. Tulare Profile

The City of Tulare is located along State Route 99 in the center of Tulare County. The City is named for the currently dry Tulare Lake. The City of Tulare was founded and named by the Southern Pacific Railroad when the tracks were completed in the City on July 25, 1872, and incorporated in 1888.

According to the California Department of Finance, Population and Housing Estimates, Tulare had a 2018 population of approximately 64,475 residents, an increase of over 5,000 people from the 2010 US Census figure of 59,278, or 8.7 percent. Tulare is located in the heart of the Central Valley, and as such sometimes experiences poor air quality due to the high levels of various airborne particulates. As shown in **Figure 2–1** the City of Tulare has a total area of 21.0 square miles.

The top employment sectors in Tulare, with over 1,000 jobs in the City, include retail (2,480 jobs), manufacturing (2,088 jobs), arts/entertainment/accommodations (1,776 jobs), education (1,641 jobs) and agriculture (1,601 jobs).

One of the key economic sectors of the City of Tulare is the dairy industry. Tulare itself is responsible for a large amount of cattle within Tulare County, as the grand total of cows in Tulare County is approximately 342,600. Tulare County's cattle produces approximately 8.9 billion pounds of milk each year. Companies such as Saputo Cheese USA, Inc. (550 employees), and Land O'Lakes (530 employees) have a substantial presence in the City Tulare. In fact, one of the nation's largest dairy - Land O'Lakes - operates in Tulare.

The Workforce Investment Board of Tulare County (Board) projects that the City's economy will continue to have steady growth over the coming years. The Board promotes investment in workforce development skills that will better serve the growing economy. And while the future looks promising for the City's economy – proactive measures to have a workforce that is trained and in sufficient numbers will be needed to ensure economic growth.



Figure 2-1
City of Tulare



Source: Google Map



Population Profile

The key sources for the socioeconomic and demographic data used to prepare the AI include: the U.S. Census Bureau (Census), the California Department of Finance (DOF), the Economic Development Department (EDD), and the Tulare Council of Governments (Tulare COG).

Population Growth

Since 1980, Tulare's population has almost tripled. As **presented in Table 2-1 and Figure 2-2**, the population of Tulare grew from 447 residents in 1880 to 66,967 in 2019. By the year 2020, the City's population is forecast to increase to approximately 71,384, according to the Tulare COG Program EIR (PEIR) for the 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

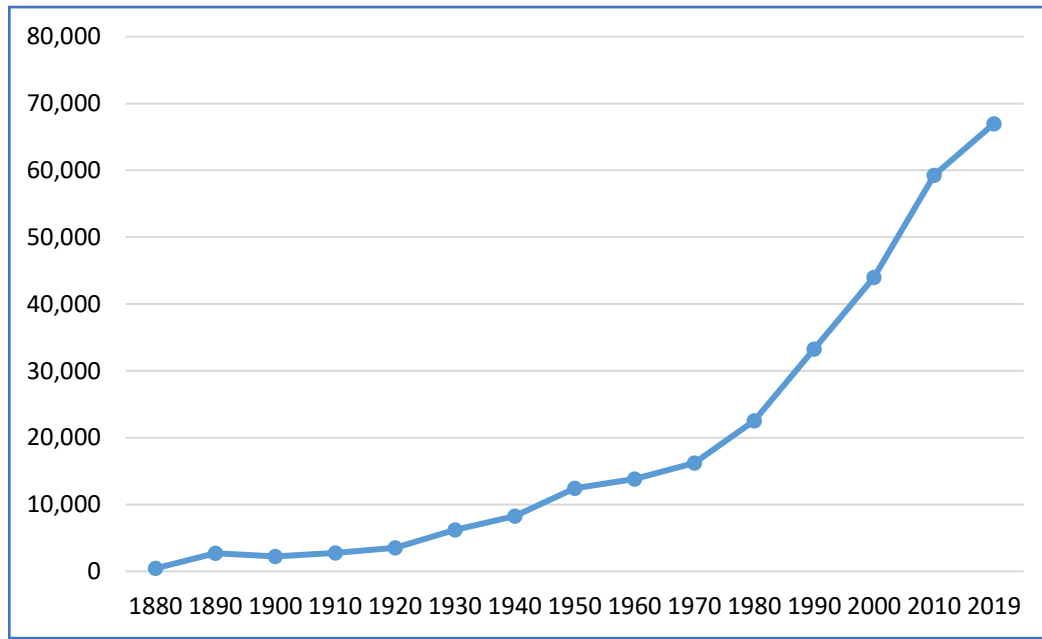
Table 2-1
Population – City of Tulare
1880 to 2019

Year	Population	% Inc.
1880	447	-
1890	2,697	503.4%
1900	2,216	-17.8%
1910	2,758	24.5%
1920	3,539	28.3%
1930	6,207	75.4%
1940	8,259	33.1%
1950	12,445	50.7%
1960	13,824	11.1%
1970	16,235	17.4%
1980	22,530	38.8%
1990	33,249	47.6%
2000	43,994	32.3%
2010	59,278	34.7%
2019	66,967	13.0%

*Sources: U.S. Census Bureau, 1880-2010,
Department of Finance, 2019, Tulare Council of Govt.*



Figure 2-2
Population Growth of the City of Tulare
1880 to 2019



Sources: U.S. Census Bureau, 1880-2010, Department of Finance, 2019

Age Composition

Table 2-2 shows the age distribution of Tulare and Tulare County residents in 2017. The working adult age group (ages 25 to 64 years) represented almost one-half (47.4%) of Tulare’s total population, while the student age group (5 to 24 years) represented another one-third (33.6%). Seniors (65 years and over) accounted for 9.1 percent and youths (under 5 years) represented 9.8 percent of the total population of Tulare. In comparison to Tulare County, Tulare’s median age of 29.1 years in 2017 was similar (about a year younger) to the County’s median age of 30.6 years. The age distribution of both Tulare and the County were also similar. However, in comparison to the state’s median age, Tulare’s overall population was significantly younger (29.1 year versus 36.1 years).



Table 2-2
Age Distribution and Median Age (2017)

Age Group	City of Tulare		Tulare County	
	Number	% of Total	Number	% of Total
Under 5	6,085	9.8%	39,301	8.6%
5-9	5,908	9.5%	40,986	8.9%
10-14	4,848	7.8%	40,179	8.8%
15-19	4,601	7.4%	37,196	8.1%
20-24	5,601	9.0%	34,565	7.5%
25-34	9,656	15.5%	64,593	14.1%
35-44	7,532	12.1%	56,795	12.4%
45-54	6,549	10.5%	51,846	11.3%
55-59	3,515	5.6%	24,082	5.2%
60-64	2,307	3.7%	20,354	4.4%
65-74	3,230	5.2%	28,511	6.2%
75-84	1,577	2.5%	14,113	3.1%
85 and Older	887	1.4%	6,288	1.4%
Total	62,296	100.0%	458,809	100.0%
Median Age	29.1		30.6	

Source: ACS 2013-2017

Analyzing the age distribution is important because it affects the future need for jobs, housing and other social services. Because over one-half (58.9%) of the City's population was under the age of 35 years, future growth planning may need to include additional schools, entry-level jobs, and starter homes. This age group typically consists of young children, students, recent graduates, or adults just entering the job market. This indicates that the provision of smaller, affordable housing opportunities, particularly in the rental market, is needed in the near future to allow this group to remain in the community. On the other hand, middle-age adults may prefer larger homes in which to raise families, whereas seniors may prefer smaller units that have lower costs and are more proximate to services.

Age and fair housing intersect when managers or property owners make housing decisions based on the age of residents. For example, managers and property owners may prefer to rent to mature residents, limit the number of children in their complex or discourage older residents due to their disabilities. Although a housing provider may establish reasonable occupancy limits and set reasonable rules about the behavior of tenants, those rules cannot single out children for restrictions that do not apply also to adults.



Race and Ethnicity

Table 2.3 illustrates the racial/ethnic breakdown of Tulare residents. Since 2010, the fastest growing racial/ethnic group in the City was Hispanic. In 2017, the Hispanic ethnic group represented the largest share of the City's ethnic population at 61.3 percent. The largest racial group in Tulare was White at 78.3 percent, followed by Black/African-American population at 3.5 percent and Asian/Pacific Islander at 2.1 percent. The most noticeable racial/ethnic shift that occurred between 2010 and 2017 in Tulare was the increase in the White population (12,421 additional residents). Other racial groups had either slight losses or additions of residents. The number of Hispanics increased by 4,134 during this time period. The distributional increase of the Hispanic population from 57.5 percent to 61.3 percent, and during the same period, the distributional decrease in the White population from 61.3 percent to 78.3 percent.

Part of the changing racial/ethnic dynamics in the City of Tulare can be attributed to immigration, where 20.1 percent of its residents were foreign born in 2017. Foreign-born residents may have difficulty accessing housing due to language barriers or an apartment owner's reluctance to rent housing to an immigrant. According to the ACS 2013-2017 data, over one-third (39.9%) of the residents in Tulare spoke another language other than English at home. In addition, a fair housing concern could arise if a foreign-born resident owns an apartment building and advertises only in his or her native language, thus restricting access only to persons speaking that language. Therefore, the City makes every effort through its outreach program to provide housing information in Spanish and to involve persons of limited English proficiency.

Table 2-3
Race and Ethnicity

Race/Ethnicity	2010		2017	
White	36,347	61.3%	48,768	78.3%
Black or African American	2,328	3.9%	2,206	3.5%
American Indian and Alaska Native	694	1.2%	626	1.0%
Asian	1,276	2.2%	1,312	2.1%
Nat. Hawaiian and Other Pacific Islander	80	0.1%	141	0.2%
Other Race	15,713	26.5%	6,880	11.0%
Two or more races	2,840	4.8%	2,363	3.8%
Total	59,278	100.0%	62,296	100.0%
Hispanic or Latino (any race)	34,062	57.5%	38,196	61.3%

Sources: U.S. Census 2010 and ACS 2013-2017



Household Characteristics

Household Tenure

Table 2-4 shows that in 2017, there were 18,522 total occupied housing units or households in Tulare, and of this total, 55.1 percent were owner households and 44.9 percent were renter households. Since 2010, the proportion of owner households has declined (58.6% in 2010 to 55.1% in 2017) and renter households have increased (41.4% in 2010 to 44.9% in 2017).

Table 2-4
Household Tenure

Tenure	2010		2017	
	Occupied Units	% of Total	Occupied Units	% of Total
Owner	10,389	58.6%	10,212	55.1%
Renter	7,331	41.4%	8,310	44.9%
TOTAL	17,720	100.0%	18,522	100.0%

Source: U.S. Census 2010 and ACS 2013-2017

Household Income

Household income is the most important factor determining a household's ability to balance housing costs with other basic life necessities. Although economic factors that affect a household's housing choice are not a fair housing issue per se, the relationships among household income, household type, race/ethnicity and other factors often create misconceptions and biases that raise fair housing issues.

The City's income distribution is indexed to the Tulare County's median family income (MFI) to provide a comparison of changes in the City are over time and relative to the larger county area.

To analyze income distribution, households are put into different income groups in relation to the county MFI and adjusted for household size. The four income categories are:

- Extremely Low Income (below 30 percent of the county's MFI)
- Very Low Income (31 percent–50 percent of the county's MFI)
- Low Income (51 percent–80 percent of the county's MFI)
- Moderate Income (81 percent–120 percent of the county's MFI)

Figure 2-3 identifies the low- and moderate-income areas in the City of Tulare by Census block group. A low- to moderate-income area is defined as a Census block group with 51 percent or



more low- and moderate-income persons. The map shows that low- and moderate-income residents are generally located in central and southern Tulare.

Figure 2-3
City of Tulare FY 2019/2020 Low/Mod-Income Areas by Census Block Group

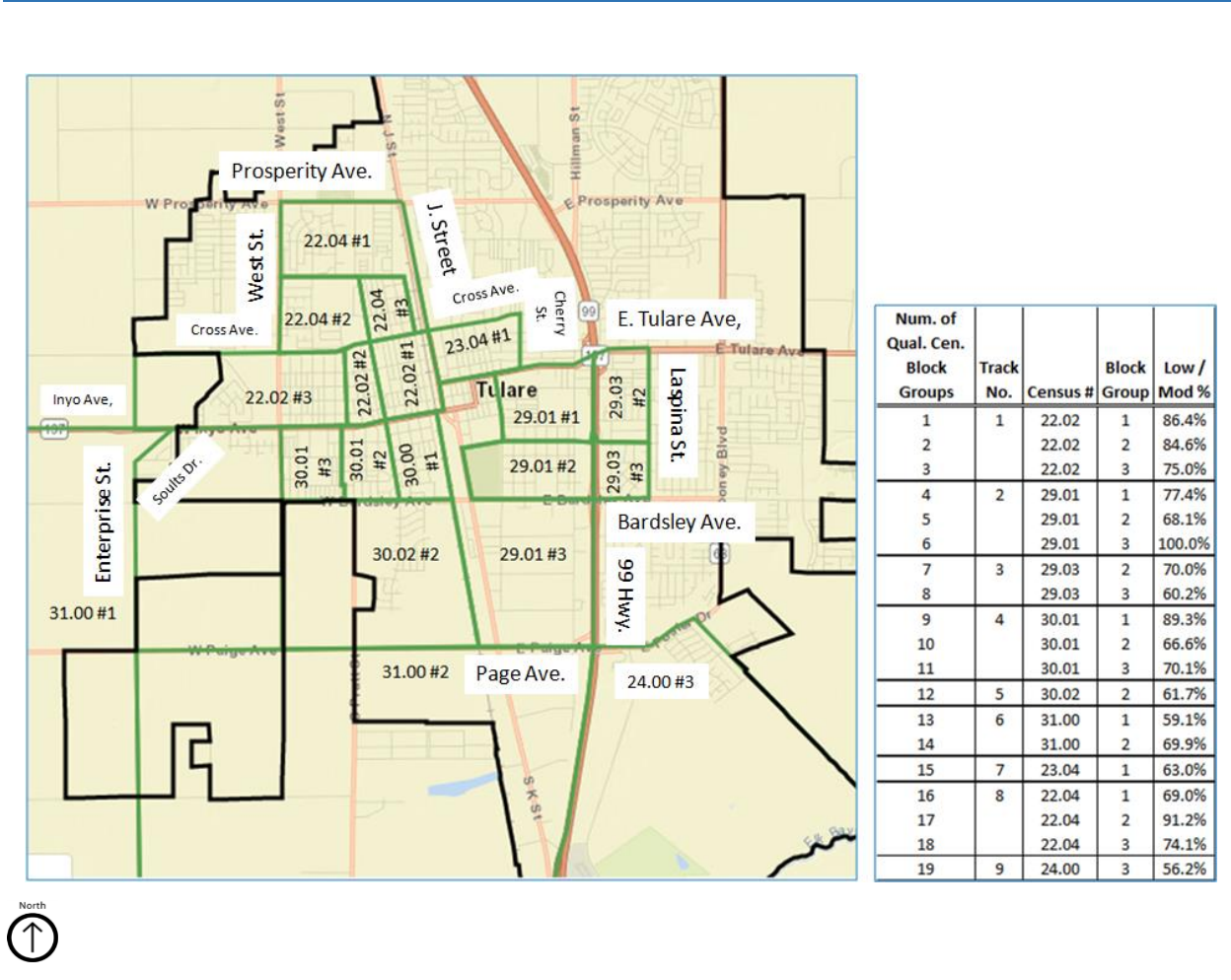




Table 2-5 summarizes the number of households in each income group relative to the MFI. According to the Census Bureau, in 2015 the City's median household income, which considers the income of an entire household, rather than individual family members, was flat, with an increased 0.03 percent from 2010. According to the Comprehensive Housing Affordability Strategy (CHAS), the number of households in the low- and moderate-income categories increased 14.5 percent and 27.4 percent, respectively, during the time period. Meanwhile, moderate income households decreased by 10.0 percent and upper-income households increased in number by 4.8 percent. Tulare's median household income in 2015 was \$46,659 and during 2017 it had increased to \$49,584, per Census ACS source.

Table 2-5
City of Tulare Household Income Relative to County HAMFI

Income Group	2010				2015				2010-15
	Owner	Renter	Total	% of Tot.	Owner	Renter	Total	% of Tot.	% Change
Extremely Low <= 30% HAMFI	470	1,390	1,860	10.9%	580	1,550	2,130	11.6%	14.5%
Very Low Income >30% to <=50% HAMFI	825	1,345	2,170	12.7%	1,020	1,745	2,765	15.1%	27.4%
Low Income >50% to <=80% HAMFI	1,435	1,740	3,175	18.6%	1,570	1,795	3,365	18.4%	6.0%
Moderate Income >80% to <=100% HAMFI	1,280	625	1,905	11.2%	1,040	675	1,715	9.4%	-10.0%
Upper Income >100% HAMFI	6,180	1,760	7,940	46.6%	6,360	1,960	8,320	45.5%	4.8%
Total	10,190	6,855	17,045	100.0%	10,570	7,725	18,295	100.0%	7.3%
Median HH Income	\$46,647				\$46,659				0.03%

Data Sources: 2011-2015 CHAS & 2010 CHAS & ACS 2010 and 2015

HAMFI – HUD Area Median Family Income. This is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made. CHAS HUD refers to HAMFI when terms such as "area median income" (AMI) or "median family income" (MFI) are used in the CHAS.

Table 2-6 shows that just over one-third (34.3%) of all Tulare households had incomes less than \$35,000 a year in 2017, according to the ACS 2013-2017 data. It also shows that households with incomes between \$35,000 to under \$75,000 represented 36.3 percent, and household incomes \$75,000 and greater represented 29.3 percent of the total households in Tulare.



Table 2-6
Household Income (2017)

Income	Households	% of Total
Less than \$10,000	1,230	6.6%
\$10,000 to \$14,999	968	5.2%
\$15,000 to \$24,999	2,199	11.9%
\$25,000 to \$34,999	1,963	10.6%
\$35,000 to \$49,999	3,003	16.2%
\$50,000 to \$74,999	3,725	20.1%
\$75,000 to \$99,999	2,265	12.2%
\$100,000 to \$149,999	2,208	11.9%
\$150,000 to \$199,999	512	2.8%
\$200,000 or more	449	2.4%
Total	18,522	100.0%

Source: ACS 2013-2017

It is important to recognize that education significantly affects the earning capacity of individuals. As presented in **Table 2-7**, over one-quarter (28.7%) of the residents in Tulare 25 years and older graduated from high school and 19.0 % have a college degree. From 2015 to 2017 Tulare realized a slight decrease in the proportion of individuals 25 years of age and older with a college degree (Associate, Bachelor's and graduate/professional degrees). Similarly, the same age group's percentage in the population during this time period also increased. As the Tulare population is succeeded by younger and increasingly better-educated individuals, the percentage of the household earnings should continue to grow as well.

Table 2-7
Education Level of Residents Age 25 and Older

Education Level	2015		2017	
	Number	% of Total	Number	% of Total
Less than 9th grade	5,714	16.4%	5,369	15.2%
9th to 12th grade, no diploma	4,131	11.9%	4,522	12.8%
High school graduate (includes equivalency)	10,230	29.4%	10,120	28.7%
Some college, no degree	8,099	23.2%	8,547	24.2%
Associate's degree	2,536	7.3%	2,632	7.5%
Bachelor's degree	3,093	8.9%	2,933	8.3%
Graduate or professional degree	1,038	3.0%	1,130	3.2%
Total	34,841	100.0%	35,253	100.0%

Source: ACS 2013-2015 and ACS 2013-2017



Household Size

Household size is an important indicator identifying sources of population growth as well as overcrowding in individual housing units. A City's average household size will increase over time if trends move toward larger families. In communities where the population is aging, the average household size typically declines. Growth trends in the City can be attributed to cultural differences in relation to household size, privacy, and co-habitation of extended families. For instance, single-person households or seniors may often occupy smaller apartments or condominiums due to the lower cost and size of such homes. Younger families with children often prefer larger single-family homes. Understanding changes in household composition can thus provide insight into current and future housing needs.

As shown in **Table 2-8**, there has been a slight steady increase in the average household size locally and regionally. The average household size in Tulare was 3.33 persons in 2010, and increased to 3.39 in 2019. Tulare's household size has been consistently lower than the countywide average, but higher than the statewide average. In 2019, the household size of Tulare was 3.39, County was 3.41 and California was 2.99.

Table 2-8
Household Size

Year	Tulare City	Tulare County	State of CA
2010	3.33	3.36	2.90
2011	3.34	3.37	2.92
2012	3.36	3.39	2.93
2013	3.37	3.40	2.94
2014	3.38	3.40	2.96
2015	3.38	3.40	2.97
2016	3.38	3.41	2.97
2017	3.39	3.41	2.99
2018	3.39	3.42	2.99
2019	3.39	3.41	2.99

Source: *DOF Estimates 2019 E-5 Report*



Employment

According to California Employment Development Department (EDD) data presented in **Table 2-9**, there were approximately 187,900 employed persons in Tulare County in 2019 and 175,000 were employed in 2015. During this period the number of jobs increased by 12,900 or an increase of 7.4 percent over the four-year period. The Other Services sector, which includes self-employment, represented almost one-third (31.1%) of the total jobs in the County. The Farm (23.1%) represented the second most jobs in the County. This was followed by the State and Local Governments (17.2%) sectors. These three sectors combined for almost three-quarters (71.4%) of the total number of jobs in the county in 2019.

Table 2-9
Employment by Industry in Tulare County

Industry	2015		2019	
	Number	% of Total	Number	% of Total
Total Farm	34,500	19.7%	43,400	23.1%
Mining, Logging and Construction	4,600	2.6%	5,900	3.1%
Manufacturing (Durable)	2,800	1.6%	3,500	1.9%
Manufacturing (Non-Durable)	9,300	5.3%	9,800	5.2%
Transportation, Warehousing and Utilities	6,300	3.6%	6,900	3.7%
Wholesale Trade	3,900	2.2%	4,500	2.4%
Retail Trade	15,700	9.0%	16,100	8.6%
Finance and Insurance	2,700	1.5%	2,600	1.4%
Other Services	3,200	1.8%	3,500	1.9%
Federal Government	900	0.5%	900	0.5%
State and Local Government	28,700	16.4%	32,400	17.2%
Other Industries (Self-Employed and Others)	62,400	35.7%	58,400	31.1%
TOTAL	175,000	100.0%	187,900	100.0%

Source: California EDD

Note: Total may not add to 100% because of rounding



According to employment data presented in **Table 2-10**, Tulare’s labor force population totaled 28,100 persons in April 2019, and of that total, 26,600 persons were employed, which resulted in an unemployment rate of 5.3 percent. At the same time, the unemployment rate for the County was almost double at 9.8 percent and rate for the City of Visalia, the largest city in the county, was 4.5 percent. Part of the reason for Tulare’s low unemployment rate may be the availability of job training opportunities to its residents, jobs available to minorities, women and persons with disabilities at the lower-wage and salary scale.

Table 2-10
Unemployment in Tulare County and Its Largest Cities
(April 2019)

Area	Labor Force	Employed	Unemployed	Rate
Tulare County	208,400	187,900	20,500	9.8%
Tulare City	28,100	26,600	1,500	5.3%
Visalia	62,300	59,500	2,800	4.5%
Porterville	25,900	22,800	3,100	12.1%
Dinuba	11,400	10,000	1,400	12.6%

Source: California Employment Development Department (EDD), April 2019



Housing Characteristics

Housing Stock Composition

Tulare's housing stock consists primarily of single-family homes with other housing types. **Table 2-11** shows the type and number of units in comparison to that of the county in 2019. A total of 78.7 percent of the dwelling units were single-family homes. Approximately 6.9 percent were located in structures of five or more units.

Table 2-11
Composition of Housing Stock (2019)

Housing Type	Tulare City		Tulare County	
	Units	% of Total	Units	% of Total
Single Family, Detached	16,463	78.7%	114,206	75.8%
Single Family, Attached	424	2.0%	3,931	2.6%
2 to 4 Unit Structure	1,964	9.4%	12,427	8.3%
5 or More Unit Structure	1,451	6.9%	9,409	6.3%
Mobile Homes	612	2.9%	10,649	7.1%
TOTAL	20,914	100.0%	150,622	100.0%

Source: DOF E-5 2019 Estimates

Housing Conditions

Assessing housing conditions in the City can provide the basis for developing policies and programs to maintain and preserve the quality of the housing stock. Housing age can indicate general housing conditions within a community and is subject to gradual deterioration over time. Deteriorating housing can depress neighboring property values, discourage reinvestment and eventually affect the quality of life in a neighborhood.

Per Tulare's Housing Element, the most recent housing conditions survey to determine the number of units considered substandard in quality or in need of repair or replacement was conducted in 2003. The survey was conducted within the City limits by members of the Redevelopment, Building and Planning Departments. There were 509 homes surveyed in throughout the City. Structural integrity of area housing stock was surveyed according to State Department of Housing and Community Development protocol. A point rating system was assigned to various levels of structural integrity pertaining to such items as the foundation, roofing, siding, windows, and electrical that can be viewed from the street. Points increased with



the degree of deficit relating to maintenance and upkeep. One of five rating categories is assigned by the points achieved:

<u>Score</u>	<u>Rate Category</u>
9	or less Sound
10-15	Minor repairs needed
16-39	Moderate repairs required
40-55	Substantial rehabilitation required
56 and over	Dilapidated and needs replacement

In Tulare, the total number of housing units was assessed in each Census Tract and a percentage of that total was derived and surveyed. The sample size exceeded the minimum number of surveys required by HCD. Housing conditions in the City generally rated sound (9 points or less), with a few minor exceptions. **Table 2-12** shows that approximately 80 percent of the housing units surveyed were rated sound; 12 percent needed minor repair; 6 percent needed moderate repair; 2 percent needed substantial rehabilitation; and 1 percent were rated as dilapidated and in need of replacement. Housing conditions have not changed substantially since the survey was completed. In addition, the City has several ongoing programs to help address the need for rehabilitation and repair of lower income units.

**Table 2-12
Housing Conditions (2003)**

Housing Type	Sound		Minor		Moderate		Substantial		Dilapidated		Total
	#	%	#	%	#	%	#	%	#	%	
Single	405	79.6%	60	11.8%	28	5.5%	11	2.2%	5	1.0%	509
Projected Units in Need of Rehabilitation	-	-	1,681	57.6%	783	26.8%	313	10.7%	142	4.9%	2,919

Source: Source: City of Tulare Housing Element (2020-2024)

Prior to the dissolution of Tulare’s Redevelopment Agency (RDA), the City, through its RDA, offered the Rehabilitation Assistance Program (RAP). RAP provided funds to assist low-income homeowners with repairs in order to comply with code requirements and improve the overall safety of the home. Currently (2019) the City of Tulare is implementing a home rehabilitation program for the 2019-2020 fiscal year.

Additionally, approximately 42.3 of the housing stock in the City was built prior to 1978 and, therefore, is at risk of containing lead-based paint. Lead poisoning can cause learning disabilities, behavioral problems and even brain damage in children.² According to the City of Tulare’s 2015–

²Executive Order 12898—Environmental Justice



2023 Housing Element, it is the City’s goal to initiate all reasonable efforts to preserve the availability of existing housing opportunities and to conserve and enhance the quality of existing dwelling units and residential neighborhoods. To reduce lead-based paint hazards the City has lead-based paint policies and procedures as part of the housing rehabilitation programs.

Future Housing Needs

Article 10.6 of the Government Code Section 65580-65590 requires all California localities to adopt a Housing Element as part of their general plan. State Housing Element Law requires that cities and counties address housing for all segments of the population including those that are lower income.

State housing element law assigns the responsibility for preparing the Regional Housing Needs Assessment (RHNA) for the Tulare County region to the Tulare County Association of Governments (TCAG). TCAG, and other California councils of governments (COGs), undertake the RHNA process prior to each housing element cycle. The current RHNA is for the fifth housing element cycle and covers a 9.75-year projection period (January 1, 2014 – September 30, 2023). The Regional Housing Needs Plan (RHNP) describes the methodology developed to allocate the region’s housing needs in four income categories (very low, low, moderate, and above moderate) among Tulare County’s eight cities and the unincorporated county in accordance with the objectives and factors contained in State law.

The RHNA process begins with the RHNA Determination. The California Department of Housing and Community Development (HCD) issues a RHNA Determination to TCAG and all other COGs in California to identify housing needs for each region of the state. The TCAG RHNA Determination is the total number of units that the jurisdictions within the Tulare County region must collectively plan for in their housing elements. The Determination, which is divided into four income categories, is based on Department of Finance (DOF) population projections and regional population forecasts. HCD provided the Tulare County region a final RHNA Determination on January 10, 2014, of 26,910 housing units.

The RHNA Determination covers a planning period from January 1, 2014, to September 30, 2023. The State-mandated RHNA process (Government Code Sections 65580 et seq.) requires TCAG to develop and adopt a methodology for allocating a portion of the RHNA Determination to each jurisdiction within the Tulare County region. Prior to adoption of the RHNA Methodology, TCAG staff consulted the TCAG RHNA Methodology Committee, comprised of representatives from each of the jurisdictions in the county, and the TCAG Board of Governors. Together, TCAG staff, the TCAG RHNA Methodology Committee, and the TCAG Board considered different methodologies to allocate a portion of the RHNA Determination to each jurisdiction.

The Tulare COG, through the Regional Housing Needs Assessment (RHNA), allocates the regional fair share of housing needs to the City of Tulare for the 2013-2023 period. According to the RHNA, the City of Tulare must be able to accommodate 3,594 housing units during the 10-year period. **Table 2-13** presents the distribution of the future needs by four household income categories. The “Affordable” category includes both very low- and low-income categories. It shows that Tulare



must accommodate at least 1,529 units (43%) of the total 3,594 units to very low and low-income households during the 2014-2023 period. Tulare's future housing needs and programs were addressed in the Housing Element, which is under review by HCD (submitted on January 29, 2019).

Table 2-13
Housing Needs by Household Income
2014-2023

Income Group	Units	% of Total
Very Low (<50% MFI)	920	26%
Low (51% to 80% MFI)	609	17%
Affordable (Low and Very Low)	1,529	43%
Moderate (81% to 120% MFI)	613	17%
Above Moderate (>120% MFI)	1,452	40%
Total Units	3,594	100%

Source: Tulare COG RHNA 2014

Special Needs

Certain households, because of their special characteristics and needs, have more difficulty finding decent and affordable housing. The following discussion highlights particular characteristics that could affect an individual household's access to housing in the community.

Large Households

Large households are defined by HUD as having five or more members. These households are usually families with two or more children or families with extended family members such as in-laws or grandparents. These can also include multiple families living in one housing unit in order to save on housing costs. Large households are a special needs group because the availability of adequately sized, affordable housing units is often limited. To save for necessities such as food, clothing and medical care, lower- and moderate-income large households may reside in smaller units, resulting in overcrowding. Furthermore, families with children, especially those who are renters, may face discrimination or differential treatment in the housing market. For example, some landlords may charge large households a higher rent or security deposit, limit the number of children in a complex, confine them to a specific location, limit the time children can play outdoors or choose not to rent to families with children altogether, which would violate fair housing laws.



Table 2-14
Households

Category	2015	2017	Inc./Dec.
Total:	18,295	18,522	227
Family households:	14,170	14,140	(30)
2-person household	4,066	3,673	(393)
3-person household	2,980	3,373	393
4-person household	3,384	3,171	(213)
5-person household	2,006	2,034	28
6-person household	912	1,101	189
7-or-more person household	822	788	(34)
Non-family households:	4,125	4,382	257
1-person household	3,068	3,282	214
2-person household	799	889	90
3-person household	143	147	4
4-person household	34	23	(11)
5-person household	49	11	(38)
6-person household	0	0	0
7-or-more person household	32	30	(2)

Source: ACS, 2015 and 2017

In 2015 and 2017, data from the Census' ACS, is presented in **Table 2-14**, which reported 3,964 large households (five or more person households) in Tulare, representing 21.4 percent of all households. Although household figures overall have been stable over the two-year period, the trend has been for large household figures to increase, while the smaller households have decreased in Tulare.

Single-Parent Households

Single-parent families, particularly female-headed families with children, often require special consideration and assistance because of their greater need for affordable housing and accessible day care, healthcare and other supportive services. Because of their relatively lower income and higher living expenses, female-headed families have comparatively limited opportunities for finding affordable and decent housing. Female-headed families may also be discriminated against in the rental housing market because some landlords are concerned about the ability of these households to make regular rent payments. Consequently, landlords may require more stringent credit checks or higher security deposits for women, which would be a violation of fair housing laws.

According to the 2013-2017 ACS data presented in **Table 2-15**, there were 4,534 single-parent households in Tulare in 2017, and 68.9 percent (almost 7 of every 10 single-parent households) of



these were female-heads of household. And, approximately 40 percent of the female head of households are under the poverty level in Tulare. Households with females only with children under five years of age have a poverty rate of 64 percent.

Table 2-15
Single-Parent Households (2017)

Category	Number	% of Total
Total Single-Parent Households		
Male Head of Households	1,363	30.1%
Female Head of Households	3,171	69.9%
Total	4,534	100.0%

Source: ACS 2013-2017

Persons with Disabilities

Fair housing choice for persons with disabilities can be compromised based on the nature of their disability. Persons with physical disabilities may face discrimination in the housing market because of the need for wheelchairs, home modifications to improve accessibility or other forms of assistance. Landlords/owners sometimes fear that a unit might sustain wheelchair damage or might refuse to exempt disabled tenants with service/guide animals from a no-pet policy. A major barrier to housing for people with mental disabilities is opposition based on the stigma of mental disability. Landlords often refuse to rent to tenants with a history of mental illness. Neighbors may object when a house becomes a group home for persons with mental disabilities.

According to **Table 2-16**, the number of civilian non-institutionalized Tulare residents with some type of disability totaled 8,308, which was approximately 13 percent of the City’s population. There were 2,735 residents age 65 and older with a disability, or 50 percent of the total number of people age 65 and older. Having a disability may negatively impact a person’s ability to work and earn money.



**Table 2-16
Persons with Disabilities (2017)**

Disability Status	Number	% of Total
Total Persons 5 and Older	61,977	
With a Hearing difficulty	2,349	3.8%
With Vision difficulty	1,988	3.2%
With a Cognitive difficulty	2,894	4.7%
With an Ambulatory difficulty	4,738	7.6%
With a Self-Care difficulty	1,828	2.9%
With an Independent Living difficulty	3,136	5.1%

Source: ACS 2013-2017

Note: Since a person may have multiple difficulties, sum of persons with individual difficulties is not equal to total number of persons with disability.

Furthermore, persons with disabilities might require special housing with ramps, elevators, modified bathrooms, kitchens and doorways. The City is currently in partnership with Habitat for Humanity of Tulare County to provide a Home Repair program. The Home Repair program provides low-income disabled homeowners with essential accessibility access improvements; such as, ADA-compliant ramps, bathroom rails, and showers at no cost. The Home Repair program is covered by the City of Tulare Community Development Block Grant.

The Fair Housing Act, as amended in 1988, requires that cities and counties provide reasonable accommodation to rules, policies, practices and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. Although fair housing laws intend that all people have equal access to housing, the law also recognizes that people with disabilities may need extra tools to achieve equality. Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. For developers and providers of housing for people with disabilities, who are often confronted with siting or use restrictions, reasonable accommodation provides a means of requesting from the local government flexibility in the application of land-use, zoning and building code regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing. Cities and counties are required to consider requests for accommodations related to housing for people with disabilities and to provide the accommodation when it is determined to be “reasonable” based on fair housing laws and the case law interpreting the statutes.

Where necessary, Tulare proposes new policies or programs to remove constraints. The City has not specifically adopted a reasonable accommodation ordinance for housing designed for persons with disabilities. However, the City does follow California’s handicap and accessibility laws, in compliance with SB520, which require the following for multi-family residential developments:

- Multi-family developments containing 4-20 units only require that all of their ground floor units are adaptable (interior modifications) and meet accessibility requirements.



- Multi-family developments containing greater than 20 units require that 2 percent of total units are adaptable and the remainder of the units are accessible.
- Single-family residential developments are exempt from accessibility requirements, but accessibility features for a single-family dwelling may be added at the request of a homeowner.

Reasonable accommodation elements can be integrated into developments through two approval methods. The zoning ordinance allows the Planning and Building Director the authority to grant a 20 percent reduction in front yard setbacks. This reduction would provide the space for a ramp to be constructed. The fee for administrative approval is \$44.00. In addition, the City allows by right front porches to extend into the front yard setback area by five feet. A front porch can be designed to serve as a ramp as well. The City also has a variance procedure for review by the Planning Commission within 30 - 60 days.

While the City does provide some accommodations to the development standards, the City does not have a formal procedure for providing reasonable accommodation in land use, zoning, and development standards. Tulare's Housing Element includes a program to prepare and adopt a reasonable accommodation ordinance.

Persons with HIV/AIDS

Persons with HIV/AIDS face an array of barriers to obtaining and maintaining affordable, stable housing. For persons living with HIV/AIDS, access to safe, affordable housing could be as important to their general health and wellbeing as access to quality healthcare. For many, the persistent shortage of stable housing can be the primary barrier to consistent medical care and treatment.³ In addition, persons with HIV/AIDS may be targets of hate crimes. Despite federal and state anti-discrimination laws, many people face illegal eviction from their homes when their illness is exposed. The Fair Housing Amendments Act of 1988, which is primarily enforced by HUD, prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS.

According to the California Public Health Department, Center for Infectious Diseases, there were a 331 HIV-AIDS cases during the 2014-2016 period reported in Tulare County.

The Tulare County Health & Human Services Agency, located at 5957 Mooney Blvd. in Visalia administers programs to provide assistance to HIV/AIDS individuals. Clients' needs are assessed, and they are linked to appropriate medical and other services as needed with a goal of reducing HIV-related complications. Staff provides health education – including providing information anonymously - to reduce the spread of HIV and help clients avoid further compromising their immune system.

In addition, the Housing Opportunities for Persons with AIDS (HOPWA) program was established by HUD to address the specific needs of persons living with HIV/AIDS and their families. HOPWA funds benefit low-income persons medically diagnosed with HIV/AIDS and their families. The

³National AIDS Housing Coalition, *AIDS and Behavior* (Vol. 11, Suppl. 2, November 2007)



nearest HOPWA program is provided at Family Services of Tulare County, located at 815 West Oak in Visalia.

Homeless Persons

Homeless persons often have a difficult time finding housing once they have moved from transitional housing or another assistance program. Housing affordability for those who are, or were formerly homeless, is challenging from an economics standpoint, and this demographic group may also encounter fair housing issues when landlords refuse to rent to them. The perception may be that homeless persons are more economically (and sometimes mentally) unstable. These difficulties are more severe for homeless families that need larger affordable units to accommodate children.

Due to the transient nature of homeless people, it is difficult to accurately count this group in any one area. The homeless population is also not homogeneous – adding to the complexity of getting proper counts. Generally, there are two types of homeless – the “permanent homeless” who are the transient and most visible homeless population and the “temporary homeless” who are homeless usually due to eviction and may stay with friends, family, or in a shelter or motel until they can be assisted with finding a more permanent residence. Individuals in need of emergency shelters are classified as homeless.

According to the 2015 Point-in-time (PIT) Count Report released by the Kings/Tulare Homeless Alliance (formerly the Continuum of Care on Homelessness), there were 135 homeless adult individuals counted in 2015 and 115 counted in 2018, a decrease of about 15 percent. However, in 2019 there were 146 homeless people in Tulare, a 27 percent increase from the previous year. Please see **Table 2-17**. Many of the homeless stay in camps near the railroad tracks on “I” Street.

Emergency housing offers short-term shelter and a safe, decent alternative to the streets or a car. Other provisions of emergency shelters may include showers, meals, and telephone privileges for local calls or limited calls to out-of-area family. Stays in emergency housing are usually subject to limits.



Table 2-17
Homeless Population (2019)

Homeless	HH	Persons	%
HH With Dependent Children	4	18	12.3%
HH Without Dependent Children	113	128	87.7%
Total	117	146	100.0%
Gender			
Male		81	55.5%
Female		64	43.8%
Transgender		0	0.0%
Other		1	0.7%
Total		146	100.0%
Place Slept Last Night			
Place not meant for human		123	84.2%
Emergency Shelter		7	4.8%
Transitional Housing		16	11.0%
Total		146	100.0%
Ethnicity			
Hispanic/Latino		63	43.2%
Non-Hispanic Latino		73	50.0%
Unknown		10	6.8%
Total		146	100.0%
Race			
American Indian/Alaskan Native		6	4.1%
Asian		1	0.7%
Black/African American		14	9.6%
Native Hawaiian/Other Pacific		2	1.4%
White		112	76.7%
Multiple Races		7	4.8%
Unknown		4	2.7%
Total		146	100.0%

Source: King and Tulare Counties - Point in Time Count, June 2019

In the City of Tulare, the following shelters are available:

- Tulare Lighthouse Rescue Mission: Women and Children's Shelter. The Women and children up to age 12 temporary shelter, consists of a 16-bed facility. Play pins are available for children under 2, which could increase the number of occupancy.



- Tulare Lighthouse Rescue Mission – Men’s Shelter. The Tulare Lighthouse Rescue Mission opened a Men’s 12-bed temporary low barrier shelter in spring 2020. The typical length of stay is up to 90 days

The following shelters are also available to Tulare residents:

- Visalia Rescue Mission: The City also refers homeless men in need of shelter to the Visalia Rescue Mission.
- Eden House: The City is partnered with the County, City of Visalia and Self-Help Enterprises to provide a 22-bed bridge housing complex for chronically homeless persons that are document ready to receive a permanent supportive housing voucher and awaiting an available unit. Eden house will provide 3 meals a day and have mental health providers on sight to assist in maintaining client’s stability. The City of Tulare will receive 5 beds.

Emergency Solutions Grants (ESG), funded through HUD, are used to assist nonprofit organizations improve the quality of emergency shelters for the homeless; meet the cost of operating such shelters; and provide essential social services, homeless prevention services and other assistance to the homeless. Although the City of Tulare does not directly receive ESG funds, the City supports the efforts of the Kings/Tulare Homeless Alliance, which is the area’s designated Continuum of Care Program, which is a community-based, long range plan that addresses the needs of the homeless in order to help them get permanent housing/self-sufficiency. Continuum of Care is recommended by the U.S. Department of Housing and Urban Development (HUD) as a comprehensive and strategic approach to addressing homelessness.

Overcrowding and Overpaying for Housing

Overcrowding. As defined by the state and HUD, overcrowding occurs when there is more than one person per room (excluding kitchens, bathrooms and hallways). Occupancy by more than 1.5 persons per room is considered severe overcrowding. As shown in **Table 2-18**, in 2015, 8.3 percent of the City’s total occupied units were considered overcrowded. By 2017, that percentage had increased to 9.6 percent of the City’s total occupied units. The severe overcrowding housing figure in Tulare decreased from 2.4 percent in 2015 to 2.2 percent in 2017.

Overpaying. A household is considered to be overpaying for housing if housing costs (rent or mortgage plus utilities) make up more than 30 percent of the household’s income. A major consequence of overpayment is that less income is available to satisfy other needs, the largest of which tends to be transportation to work and/or school.

Table 2-18 also shows that of the 18,522 total occupied units or households in the City in 2017, overpaying occurred with 6,667 occupied units (36.0 %). This is a significant increase from 2015, when only 30.4 percent of the total occupied units in the City were experiencing overpaying. Renters’ households tended to overpay more for housing than owners (22.5% vs. 13.5%). This means that over one-third of the households in Tulare are paying more than 30 percent of their income towards housing.



**Table 2-18
Overcrowding and Overpaying**

Category	2015		2017	
	Units	% of Total	Units	% of Total
Overcrowding				
Overcrowding (1.0 +)	1,082	5.9%	1,369	7.4%
Severe Overcrowding (1.5+)	433	2.4%	413	2.2%
Total Overcrowding	1,515	8.3%	1,782	9.6%
Overpaying				
Owner Occupied	1,637	8.9%	2,499	13.5%
Renter Occupied	3,919	21.4%	4,166	22.5%
Total Overpaying	5,556	30.4%	6,665	36.0%
TOTAL OCCUPIED UNITS IN TULARE	18,295		18,522	

Source: ACS 2015 and -2017

Fair Market Rent

Table 2-19 presents the 2019 income limits are based on HUD’s fiscal year Fair Market Rate areas. For 2019, the Tulare County area median family income was \$64,800.

**Table 2-19
Tulare County 2019 Income Limits**

Limit Category	Median Family Income \$64,800							
	Number of Persons							
	1	2	3	4	5	6	7	8
Extremely Low (<30%)	\$13,650	\$16,910	\$21,330	\$25,750	\$30,170	\$34,590	\$39,010	\$42,800
Very Low (31% to 50%)	\$22,700	\$25,950	\$29,200	\$32,400	\$35,000	\$37,600	\$40,200	\$42,800
Low (51% to 80%)	\$36,300	\$41,500	\$46,700	\$51,850	\$56,000	\$60,150	\$64,300	\$68,450

Source: HUD Income Limit Summary for Tulare County, July 2019

HUD annually establishes income limits by family size for the area in which a Public Housing Authority (PHA) is located. A family’s gross annual income is compared to the applicable income limits to determine eligibility for housing assistance and must be within the income limits for the PHA’s jurisdiction. To be eligible for public housing assistance, the family’s gross annual income may not exceed the current low-income limits.



Public Transit System

Public transit information is important to the AI, as access to public transit is of paramount importance to households affected by low incomes and rising housing prices. Public transit should link lower-income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage rates and increase housing mobility, which enables residents to locate housing outside of traditionally low- and moderate-income neighborhoods. The lack of a relationship between public transit, employment opportunities and affordable housing may impede fair housing choice because persons who depend on public transit will have limited choices regarding places to live. In addition, elderly and disabled persons often rely on public transit to visit doctors, go shopping or attend activities at community facilities. Public transit that provides a link between job opportunities, public services and affordable housing helps to ensure that transit-dependent residents have adequate opportunity to access housing, services and jobs.

Tulare offers both a fixed-route service and a demand-response service for local area residents. The primary fixed-route system is Golden Empire Transit (GET). The demand-response service is known as GET-A-Lift.

Tulare Transit

Tulare Transit provides services to, from and within Tulare. Tulare Transit encourages mobility and independence for those who would otherwise be without transportation, alleviate traffic congestion and enhance the quality of life throughout the Tulare Transit service area. Tulare Transit operates six fixed route buses that service Tulare and one express bus that provides service to Visalia.

Routes:

- Route 1 - North Tulare
- Route 2 - Southeast Tulare
- Route 3 - West Tulare
- Route 4 - Northeast Tulare
- Route 5 - Southwest Tulare
- Route 7 - East Tulare
- Route 11X - Tulare-Visalia Express Service



Table 2-20 shows the current fare structure used by the system.

**Table 2-20
Tulare Transit Fare Structure (2019)**

Type of Fare	Cost	Description
General Fare	\$ 1.50	Customers 6 years and older
Senior Citizen (65+)	\$ 0.75	Customers 65 and older
Persons with Disabilities	\$ 0.75	ADA Card Holder (A Personal Care Attendant is free)
Medicare Card Holders	\$ 0.75	Medicare Holder
Children	Free	First two children 5 years and younger ride free when riding with paying passenger, \$1.50 for additional child
Trip Ticket/book of 20	\$ 30.00	
General Pass	\$ 40.00	Monthly pass for unlimited rides
Senior/ADA/Medicare Pass	\$ 20.00	Customers 65 and older - unlimited rides during day
Student Pass	\$ 33.00	Unlimited rides
Transfers	Free	Free when continuing a single trip within system

Source: City of Tulare web site, February 2020

Dial A Ride

Tulare Transit provides a supplemental service called Dial-A-Ride; a curb-to-curb para-transit service on a shared -ride/demand-response basis to locations within the city limits of Tulare.

The U.S. Department of Transportation has implemented the Americans with Disabilities Act of 1990 (ADA). The ADA requires public entities that operate a fixed-route system for the general public to also provide a complementary paratransit service to persons unable to use the regular fixed-route service. There are three qualifying categories set forth in the ADA. The categories are as follows:

- Any individual with a disability who is unable to board or ride a bus on the fixed-route system that is accessible and usable by other individuals with a disability.
- Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance and the fixed route he/she wants to travel is not wheelchair accessible.
- Any individual with a disability who has a condition that prevents him/her from walking or traveling to and from a bus stop on the fixed-route system.



Table 2-21 shows the fare structure used by the Dial a Ride system.

**Table 2-21
Tulare Dial-A-Ride Fare Structure**

Type of Fare	Cost	Description
One Way Trip (curb-to-curb)	\$3.25	Children seven and younger with adult pay \$1.35
ADA Certified	\$2.00	ADA attendant rides for free
General Public Trip Book	\$32.50	This book is good for 10 rides

Source: City of Tulare Website, February 2020

Public Assisted Housing

The availability and location of public-assisted housing may be a fair housing concern. If such housing is concentrated in one area of a community, a household seeking affordable housing is limited to choices within that particular area. Public assisted housing and housing assistance must be accessible to qualified households regardless of race/ethnicity, disability or other special characteristics.

The Housing Authority of Tulare County (HATC) provides rental assistance to very low and moderate-income families, seniors and the handicapped throughout the county. HATC offers various programs, including the conventional public housing program, the housing choice voucher program, the farm labor program for families with farm labor income, senior housing programs, and other housing programs. They also own or manage some individual subsidized rental complexes that do not fall under the previous categories. HATC has a total of 24 accessible units within the City of Tulare. In addition, HATC also provides information about other affordable housing that is available throughout Tulare County.

Section 8 Housing Programs

The Housing Authority of Tulare County (HATC) administers the Section 8 Housing Choice Voucher and subsidized public housing programs. Per HACT there are currently 553 Section 8 vouchers being utilized in the City of Tulare. And, there are 10,265 City of Tulare families on the HACT’s Section 8 waiting list. Key categories within the waiting list comprise of the following categories: Seniors-741, Families with children-7,279, Homelessness: 24, Disabled-1,596 and Veterans-6.

The Section 8 Housing Choice Voucher program provides rental subsidies to low-income families that spend more than 30 percent of their gross income on housing costs. The program pays the difference between 30 percent of the recipients’ monthly income and the federally approved payment standard. Recipients of Housing Choice Vouchers are able to find their own housing,



including single-family homes, townhouses and apartments. Participants are free to choose any housing that meets the requirements of the program and are not limited to units located in subsidized housing projects. The Section 8 Public Housing Program provides decent and safe rental housing for eligible low-income families, the elderly and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high-rise apartments for elderly families. **Table 2-22** presents a list of 13 Section 8 units (three single family homes and six apartments and four townhomes available in the City of Tulare.

Table 2-22
Section 8 Available Units in Tulare

#	Address	Bed	Type	Rent	Contact	Phone No.	Notes
1	O ST GARDEN APTS	1	APARTMENT	\$725	RICK	559-688-0626	
2	462 W MEADOW DR	2	APARTMENT	\$462	LIZ	559-467-5060	2 BATHS, COMPLETELY REMODELED
3	O STREET GARDEN APARTMENTS	2	APARTMENT	\$820	RICK	559-688-0626	1 BATH
4	245 N O ST #D	2	APARTMENT	\$700	EXCEL PROPERTY	559-688-1400	
5	492 W MEADOW DR	3	APARTMENT	\$839	LIZ	559-467-5060	2 BATHS, UPGRADED REMODELED,
6	430 W MEADOW DR	3	APARTMENT	\$1,291	LIZBETH	559-467-5060	APPLY AT 430 W. MEADOW DR.
7	1260 CARDOZA ST	3	HOUSE	\$1,000	ROSEMARY	559-679-9072	2 BATHS, APPLY AT 1240 CARDOZA ST.
8	891 N MILNER ST	3	HOUSE	\$1,100	EXCEL PROPERTY	559-688-1400	
9	1395 S LASPINA ST	3	HOUSE	\$1,295	EXCEL PROPERTY	559-688-1400	NO PETS
10	117 W TULARE AVE	3	TOWNHOUSE	\$975	EXCEL PROPERTY	559-688-1400	
11	109 W TULARE AVE	3	TOWNHOUSE	\$975	EXCEL PROPERTY	559-688-1400	
12	417 S WEST ST	3	TOWNHOUSE	\$1,100	EXCEL PROPERTY	559-688-1400	
13	1201 N F ST	3	TOWNHOUSE	\$1,100	EXCEL PROPERTY	559-688-1400	

Source: Housing Authority of Tulare County, May 2019

The Housing Authority of Tulare County (HATC) has 10,265 families on their Section 8 waiting list. **Figure 2-4** provides an illustration of the wait-list distribution by race/ethnicity for the City of Tulare and Tulare County. This figure shows that White families account for 78 percent of those on the Section 8 waiting list, followed by other races at 18 percent and Black/African American



families at 4 percent. Hispanics comprise 61 percent of applicants on the Section 8 waiting list. (Hispanics are categorized by US Census Bureau as an ethnicity and can be included in all race categories.) The figures for the County are comparable, with the exception of the White racial category making up 95 percent of the waiting list.

Figure 2-4
Housing Authority of Tulare County
Section 8 Public Housing Wait-List by Race and Ethnicity (2019)

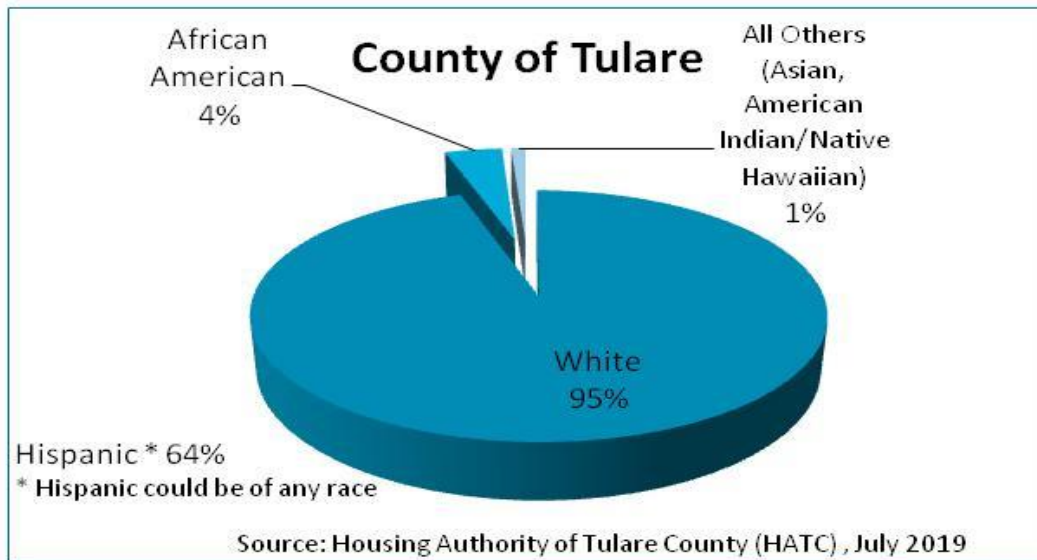
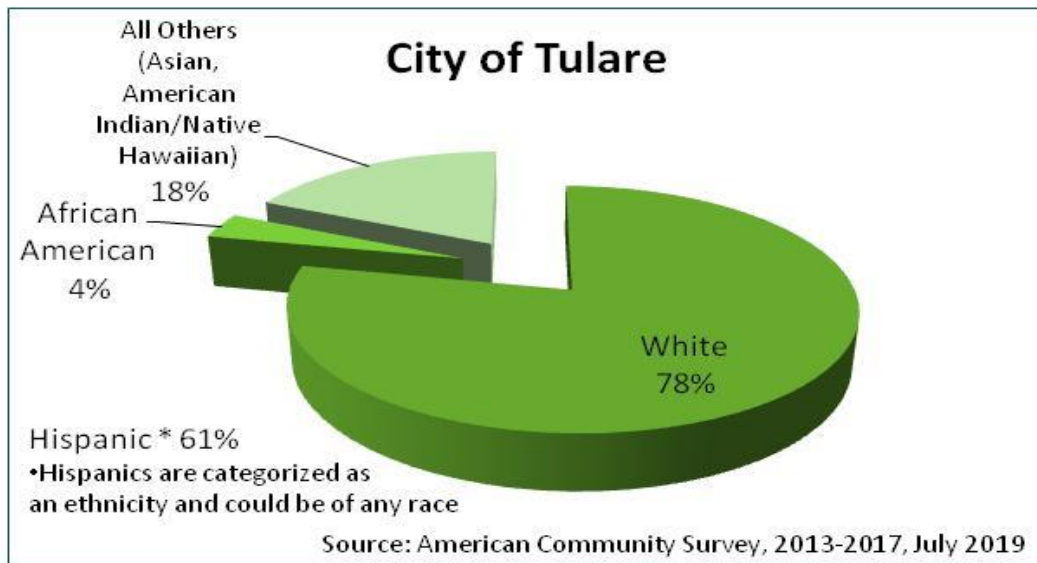




Table 2-23 lists low-income public housing complexes operated by HATC in Tulare. According to HATC, as of 2019 all public housing units were occupied or committed.

**Table 2-23
Low-Income Public Housing -- Housing Authority of Tulare County**

Name	Location	# of Units
Public Housing Units	Scattered Sites (See Attachment)*	205 Units
La Sonora Farm Labor Apartments	518 O St. Tulare, CA	52 Units
Cypress Cove (Senior Apartments)	1501 Cypress, Tulare, CA	52 Units
West Trails Apartments (1)	1350 W. San Joaquin, Tulare, CA	49 Units
Tule Vista	612 S. D St. Tulare, CA	57 Units
Aspen Court	1500 Aspen Ave. Tulare, CA	47 Units
Oakwood and Vetter	1183 Vetter Dr., 301-445 W. Oakwood, Tulare CA	20 Units
801 N. E Street	801 N. E Street, Tulare, CA	1 Single Family Home
City of Tulare NSP Units	361, 484 Beechwood, 524 Aspenwood, 145 M. B St, 445 S. I St. Tulare, CA	5 Single Family Homes
Country Manor (2)	955 N. A St. Tulare, CA	40 Units
1881 - 1893 East Cross	1881 - 1893 E. Cross Ave. Tulare, CA	4 Units
709 - 731 Lynora St.	709 - 731 N. Lynora St. Tulare, CA	4 Units
Blain Units	Scattered Single Family Homes (See attachment)	11 Single Family Homes
Tulare TMHSA (3)	232 S. Sacramento, Tulare, CA	8 Units

(1) West Trails is a Tax Credit project that is owned by a Limited Partnership that HATC is associated with but it's not managed by HATC

(2) Country Manor is not managed by HATC but its owner is associated by HATC

(3) These units are a partnership with the Tulare County Mental Health Agency, mental health services are provided on site.

Source: Housing Authority of Tulare County (HATC), July 2019

Affordable Housing Projects

Apartment projects can receive housing assistance from a variety of sources to ensure that rent is affordable for lower-income households. In exchange for public assistance, owners are typically required to reserve a portion or all of the units as affordable housing for lower-income households. The length-of-use restrictions are dependent on the funding program. The types of public assistance commonly used by owners when partnering with local jurisdictions are the HOME and CDBG programs. These funds are typically used in concert with Low Income Housing



Tax Credits (LIHTC) to reduce the debt associated with the project, thereby maximizing affordability.

The LIHTC program creates an incentive for private investment in low-income housing development by giving federal tax credits to investors. Private investors, such as banks and corporations, buy the tax credits from an affordable housing developer. The owner/developer uses the proceeds from the sale of these tax credits, known as “equity,” to construct or rehabilitate housing. Investors receive a federal tax credit over a 10-year term. **Table 2-24** lists some of the LIHTC rental housing developments in the City of Tulare, providing many affordable units to lower-income households.

Table 2-24
Low Income Housing Tax Credit Projects in Tulare, CA

Type of Tax Credit Funding	Application Stage	Project Name	Project Address	Construction Type	Housing Type	Total Units	Low Income Units
9%	Placed In Service	Cambridge Court Apartments	400 S. Blackstone St.	New Construction	Large Family	61	60
9%	EXTENDED	Country Manor	955 N. A St.	New Construction	Large Family	40	39
9%	Extended	Cypress Cove	1501 E. Cypress Ave.	New Construction	Senior	52	52
9%	Preliminary Reservation	Mission Court Apartments	1150 S. Morrison St.	New Construction	Large Family	65	64
9%	Preliminary Reservation	Parkwood Manor	414 W. Meadow Dr.	Acquisition/Rehabilitation	Large Family	75	74
9%	Extended	Parkwood Meadows No. 2	1184 Vetter Dr.		Large Family	2	2
9%	Placed in Service	The Aspens	1500 Aspen Ave.	New Construction	Large Family	47	46
		Tulare Group (Site C)	1101 S. Irwin St.	Acquisition/Rehabilitation	Non-Targeted		
4% ARRA	Placed in Service	Tule Vista	510 W. Elm Ave.	New Construction	Large Family	57	56
9%	Placed In Service	Valley Oaks Apartment Homes	351 N. West St.	New Construction	Large Family	81	80
9% ARRA	Placed in Service	Valley Oaks Apartments Phase II	351 N. West St.	New Construction	Large Family	72	70
9%	Placed in Service	West Trail Apartments	1350 W. San Joaquin Ave.	New Construction	Large Family	49	48
9%	Preliminary Reservation	Westside Palm Apartments	900 W. Pleasant Ave.	Acquisition/Rehabilitation	At-Risk	40	39

Source: California Tax Credit Allocation Committee, May 2019



Moving to Work Program

HATC has also been a participant in HUD’s “Moving to Work” program. The program offers flat rents on its public housing and fixed subsidies on its voucher programs. The intent is for families participating in this program to keep the full amount of any extra earnings they make while they are on the program paying fixed rents or receiving a fixed subsidy voucher. However, assistance is terminated when households earn 120 percent or more of area median income, or after five years, whichever comes first. Voucher families receive a flat rental subsidy amount, depending on the unit size the family qualifies for, or the actual unit size rented, whichever is smaller. Families pay the difference between the rent charged by the landlord and the flat subsidy amount.

Per HATC’s guidelines: The Moving to Work program gives participants the opportunity to save as their incomes rise, thus providing an incentive to seek out employment or better jobs. The five-year time limit on assistance also increases the impetus for families to gain employment and self-sufficiency skills, so that they will be able to afford alternative housing once their assistance is terminated. The time limits also reinforce the notion that rental assistance is not a lifetime benefit but a helping hand to families as they move toward employment and self-sufficiency. The Housing Authority hopes that at the end of five years, families will have earned and saved enough to purchase a home.

Licensed Community Care Facilities

Persons with special needs, such as the elderly and those with disabilities, must also have access to housing in a community. Community care facilities provide a supportive housing environment to persons with special needs in a group situation. Restrictions that prevent this type of housing represent a fair housing concern. The number of community care facilities is summarized below by type, and the name and location of each facility is presented in a table included as **Table 2-25**.

<u>Type of Care Facility</u>	<u>Number of Facilities</u>
Foster Family Agency	1
Residential Care for Elderly	5
Child Care Centers	16
Adult Residential Facilities	21
Home Care Organizations	2



**Table 2-25
Licensed Community Care Facilities**

Facility Name	Facility Type	Facility Address	Fac. Capacity	Facility Status
GOLDEN STATE FAMILY SERVICES, INC.	FOSTER FAMILY AGENCY SUB	1206 S. O" ST.	52	LICENSED
AUGDON SENIOR CARE HOME #2	RESIDENTIAL CARE ELDERLY	134 COLORADO AVE.	4	LICENSED
DYCORA TRANSITIONAL HEALTH & LIVING	RESIDENTIAL CARE ELDERLY	999 N. M ST.	85	PENDING
GAITHER'S FAMILY HOME #3	RESIDENTIAL CARE ELDERLY	1302 E CARMELO AVE.	6	LICENSED
LOVING CARE ASSISTED LIVING	RESIDENTIAL CARE ELDERLY	1542 E. GLENWOOD AVE.	6	ON PROBATION
TWIN OAKS ASSISTED LIVING CENTER	RESIDENTIAL CARE ELDERLY	999 N. M ST.	85	LICENSED
CHILDREN'S HOUSE MONTESSORI SCHOOL	DAY CARE CENTER	2117 E. SUNSET AVE.	45	LICENSED
CLINITE CHILD DEVELOPMENT CENTER	DAY CARE CENTER	1073 W. SONORA	90	LICENSED
C.A.T. CHILD CARE CENTER	DAY CARE CENTER	136 N. O ST.	15	LICENSED
GRANDMA'S HOUSE PRESCHOOL	DAY CARE CENTER	226 S BLACKSTONE ST.	25	LICENSED
LIBERTY PRESCHOOL	DAY CARE CENTER	1771 E. PACIFIC AVE.	49	LICENSED
LINCOLN PRESCHOOL	DAY CARE CENTER	909 E. CEDAR AVE.	60	LICENSED
MAPLE CHILD DEVELOPMENT CENTER	DAY CARE CENTER	501 W. MAPLE ST.	99	LICENSED
MAPLE TITLE I PRESCHOOL	DAY CARE CENTER	640 W. CROSS AVE.	40	LICENSED
PALO VERDE PRESCHOOL	DAY CARE CENTER	9637 AVENUE 196	24	LICENSED
ST. JOHN'S CHILDREN'S LEARNING CENTER	DAY CARE CENTER	1701 E. PROSPERITY AVE.	30	LICENSED
SUNDALE FOUNDATION LEARNING CENTER	DAY CARE CENTER	13990 AVENUE 240	96	LICENSED
TCSD/ALPINE VISTA TITLE ONE PRESCHOOL	DAY CARE CENTER	2975 E. ALPINE AVE.	20	LICENSED
TINY TREASURES	DAY CARE CENTER	833 N. BLACKSTONE ST.	47	LICENSED
T.C.S.D./GARDEN CDC	DAY CARE CENTER	640 E. PLEASANT AVE.	24	LICENSED
T.C.S.D./WILSON CDC	DAY CARE CENTER	955 E. TULARE AVE.	24	LICENSED
WEE CARE DAY CARE	DAY CARE CENTER	469 CHERRY ST.	100	LICENSED
ADULT ACHIEVEMENT CENTER	ADULT DAY PROGRAM	1149 E. BATAVIA CT.	45	LICENSED
KINGS REHAB. CENTER INC.	ADULT DAY PROGRAM	388 E. CROSS AVE.	200	LICENSED
SVS TULARE ADULT DAY PROGRAM	ADULT DAY PROGRAM	1225 LELAND AVE.	60	LICENSED
AMBER GUEST HOME I	ADULT RESIDENTIAL	783 N. CHERRY ST.	6	LICENSED
ANDREA GALLEGOS HOME	ADULT RESIDENTIAL	2764 AZALEA AVE.	4	LICENSED
CYPRESS CARE HOME #1	ADULT RESIDENTIAL	1741 CYPRESS AVE.	6	LICENSED
CYPRESS CARE HOME #2	ADULT RESIDENTIAL	1904 CYPRESS COVE DR.	6	LICENSED
CYPRESS CARE HOME #3	ADULT RESIDENTIAL	1870 WAGONWHEEL CT.	6	LICENSED
GAITHER'S FAMILY HOME #6	ADULT RESIDENTIAL	686 S. SPRUCE ST.	4	LICENSED
GAITHER'S FAMILY HOME #7	ADULT RESIDENTIAL	212 DAYTON ST.	6	LICENSED
GAITHERS FAMILY HOME #4	ADULT RESIDENTIAL	1443 HILLCREST AVE.	6	PENDING
GALLEGOS, THE	ADULT RESIDENTIAL	477 S. LOS ANGELES ST.	4	LICENSED
JEFFRIES HOME 3	ADULT RESIDENTIAL	1131 S. SPRUCE ST.	4	LICENSED
KAISER SPECIALIZED RESIDENTIAL CONSTITUTION	ADULT RESIDENTIAL	1268 CONSTITUTION ST.	5	LICENSED
LORING HOME	ADULT RESIDENTIAL	2088 ALCOTT ST.	6	LICENSED
PEOPLE'S CARE CHAVEZ	ADULT RESIDENTIAL	1228 CHAVEZ CT.	4	LICENSED



**Table 2-25 (Cont.)
Licensed Community Care Facilities**

Facility Name	Facility Type	Facility Address	Fac. Capacity	Facility Status
PEOPLE'S CARE NORTH N PLACE	ADULT RESIDENTIAL	829 N. N PL.	4	PENDING
SPECIALIZED RESIDENTIAL ARBOR	ADULT RESIDENTIAL	856 ARBOR DR.	4	LICENSED
SPECIALIZED RESIDENTIAL CHERYL LANE	ADULT RESIDENTIAL	1740 CHERYL LN.	6	LICENSED
ZAPIEN HOME #2	ADULT RESIDENTIAL	1228 CHAVEZ CT.	4	LICENSED
ZAPIEN HOME #3	ADULT RESIDENTIAL	829 N. N PL.	4	LICENSED
AMDAL IN-HOME CARE, INC.	HOME CARE	318 S. M ST.	0	LICENSED
EXTRA CARING HOMECARE LLC	HOME CARE	2208 WEYRICH CT	0	LICENSED

Source: State of California Department of Social Services - CDSS - Community Care Licensing Facility Division, May 2019



3. Mortgage Lending Practices

An essential aspect of fair housing choice is equal access to credit for the purchase or improvement of a home. In the past, fair lending practices were not always employed by financial institutions. Credit market distortions and other activities such as redlining – a practice whereby a lender provides unequal access to credit or unequal credit terms to a person because of their race, creed, color or national origin or other characteristic(s) of the residents of the area where the applicant resides or will reside - prevented some groups from equal access to credit.

Discriminatory practices in home mortgage lending have evolved in the past five to six decades. In the 1940s and 1950s, racial discrimination in mortgage lending was easy to spot. From government-sponsored racial covenants to the redlining practices of private mortgage lenders and financial institutions, ethnic minorities were denied access to home mortgages in ways that severely limited their ability to purchase a home. In recent years, discriminatory lending practices have become more subtle. By employing high pressure sales practices and deceptive tactics, some mortgage brokers pushed minority borrowers into high-cost subprime mortgages that were not well suited to their needs and led to financial problems.

In the past, fair lending practices were not always employed by financial institutions. Credit market distortions and other activities such as redlining prevented some groups from equal access to credit. Some of the key mortgage lending laws are summarized below.

Lending Laws and Regulations

Community Reinvestment Act

The passage of the Community Reinvestment Act (CRA) in 1977 was designed to improve access to credit for all members of the community. The CRA is intended to encourage regulated financial institutions to help meet the credit needs of entire communities, including low- and moderate-income neighborhoods. The CRA requires that each insured depository institution's record in helping meet the credit needs of its entire community be evaluated periodically. That record is taken into account in considering an institution's application for deposit facilities, including mergers and acquisitions. Depending on the type of institution and total assets, a lender may be examined by different supervising agencies for its CRA performance, such as the Federal Reserve Board (FRB), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), and Office of Thrift Supervision (OTS).



Fair Housing Act and Amendment

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended on September 13, 1988 and became effective on March 12 1989 (The Fair Housing Amendments Act), prohibits discrimination in the sale, rental, and financing of residential dwellings, and in other residential real estate related transactions, based on race, color, national origin, religion, sex, familial status (defined as families with children under the age of 18 living with parents or legal custodians, pregnant women, or people in the process of securing the custody of children under the age of 18), and disability. The Act makes it unlawful to engage in the following practices based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or set different terms or conditions for purchasing a loan

Equal Credit Opportunity Act

Regarding any type of credit transaction - under the Equal Credit Opportunity Act, a creditor may not discriminate against an applicant based on the applicant's race, color, or national origin.

Home Mortgage Disclosure Act

In tandem with the CRA, the Home Mortgage Disclosure Act (HMDA) requires lending institutions to make annual public disclosures of their home mortgage lending activity. Under HMDA, lenders are required to disclose information on the disposition of home loan applications and on the race or national origin, gender, and annual income of loan applicants.

Detailed HMDA data for conventional and government-backed home purchase and home improvement loans in Orange County were examined. HMDA data provides some insight into the lending patterns that exist in a community. However, the HMDA data is used only to indicate the potential for unfair lending practices; the data cannot be used to reach definite conclusions on discriminatory practices.

Fraud Enforcement and Recovery Act

The Fraud Enforcement and Recovery Act of 2009, or FERA, was enacted May 20, 2009. This federal law enhanced criminal enforcement of federal fraud laws, especially regarding financial institutions, mortgage fraud, and securities fraud or commodities fraud. FERA amends the definition of a financial institution to include private mortgage brokers and non-bank lenders that are not directly regulated or insured by the federal government, making them liable under federal bank fraud criminal statutes. The new law also makes it illegal to make a materially false statement



or to willfully overvalue a property in order to manipulate the mortgage lending business. In addition, FERA includes provisions to protect funds expended under TARP and the Recovery Act and amends the Federal securities statutes to cover fraud schemes involving commodity futures and options. Additional funds were also made available under FERA to a number of enforcement agencies in order to investigate and prosecute fraud.

Detailed FFIEC data for conventional and government-backed home purchase and home improvement loans for the City of Tulare are presented in **Tables 3-1, 3-2, 3-3, 3-4, 3-5, 3-6 and 3-7**. The FFIEC data provide some insights regarding the lending patterns that exist in a community. However, the data are only an indicator of potential problems; the data lack the financial details of the loan terms to make a definite conclusion that redlining or discrimination exists.

Overall Lending Patterns

Data and Methodology

The availability of financing affects a person's ability to purchase or improve a home. Under the HMDA, lending institutions are required to disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases, improvements, and refinancing, whether financed at market rate or with government assistance.

HMDA data are submitted by lending institutions to the FFIEC. Certain data is available to the public via the FFIEC site either in raw data format or as pre-set printed reports. The analyses of HMDA data presented in this AI were conducted using data from Compliance Tech and FFIEC. Compliance Tech's Lending Patterns on-line database tool that analyzes lending records to produce reports on various aspects of mortgage lending was used in this report. HMDA data included in this report includes market share, approval rates, denial rates, low/moderate income lending, and high-cost lending, among other key lending aspects in the City of Tulare.

General Overview

A summary of all home purchase loan activities that went through the complete loan process (loans approved, denied and approved then rejected by applicants) from 2013 to 2017 - can be found in **Tables 3-1 to 3.7**. The types of loans reviewed included home purchase, refinancing and home improvement loans. Furthermore, the loan information is provided by outcomes of race, ethnicity, income and gender.

In general, home purchase loans have had very low denial rates. In 2017 the home purchase denial rate for the City of Tulare was less than 1 percent (0.7%) – 67 home purchase loans were denied



out of 911 loans that went through the complete process. The trend for denial rates has been stable over the past five years.

Home Purchase, Refinance and Home Improvement Loans - Conventional and Governmental-Backed Financing

Conventional financing involves market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions. To assist low- and moderate-income households that might have difficulty in obtaining home mortgage financing in the private market due to income and equity issues, several government agencies offer loan products that have below market rate interest and are insured (“backed”) by government agencies. Sources of government-backed financing include loans insured by the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA) and the Rural Housing Services/Farm Service Agency (RHA/FSA). Often, government-backed loans are offered to consumers through private lending institutions. Local programs such as first-time homebuyer and rehabilitation programs are not subject to HMDA reporting requirements.

According to the FFIEC data presented in **Table 3-1**, a total of 447 households applied for a total of approximately \$100.3 million of conventional home purchase loans in the City of Tulare during 2017. Of those that applied for a conventional loan, 396 loans were approved and accepted by the applicant for a total of \$76.5 million. The approval rate for all applicants was 88.6 percent, whereas the denial rate was 8.1 percent. The others were loans that were approved by the lending institutions 3.4 percent were rejected by applicants.

During the same year, government-backed loans (FHA, FSA/RHS and VA loans) received 464 applications totaling approximately \$97 million. The approval rate for government-backed loans was 90.1 percent and the denial rate was 6.7 percent. The total amount of government-backed loans approved and accepted by the applicant totaled \$88.0 million in 2017. In addition to the detail data provided for 2017 – five-year trend data was also provided for home purchase, refinancing and home improvement loans. Specifically, the data includes:

- **Table 3-2** includes data on home purchase denials by race for the five-year period (2013-2017). During the past five years, on average, 1,236 purchase loans go through the complete process each year.
- **Table 3-3** includes data on refinance home loan denials by race for the five-year period (2013-2017). About 966 purchase loans go through the complete process each year. While denial rates for purchase loans are low, for refinance application in 2017, the denial rate was 26.9 percent.
- **Table 3-4** includes home improvement loan denials by race for the five-year period (2013-2017). On average, a much smaller number - 167 home improvement loans go through the complete process each year. Improvement loans also had denial rates significantly higher than purchase and refinance loans, with the denial rate being 41.8 percent in 2017.



**Table 3-1
Home Purchase Loans by Race, Ethnicity and Income (2017)**

Loan Category	Total Applications				Originated				Approved Not Accepted				Denied			
	Count	%	(\$000)	%	Units	%	(\$000)	%	Count	%	(\$000)	%	Count	%	(\$000)	%
Loan Purpose and Type																
Purchase - Conventional	447	49.1	103,301	51.6	396	48.6	76,515	46.5	15	50.0	1,845	35.8	36	53.7	24,941	81.2
Purchase - Government	464	50.9	97,087	48.4	418	51.4	87,998	53.5	15	50.0	3,312	64.2	31	46.3	5,777	18.8
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Applicant Race																
American Indian/Alaska Native	8	0.9	1,426	0.7	8	1.0	1,426	0.9	0	-	0	-	0	-	0	-
Asian	30	3.3	6,420	3.2	26	3.2	5,654	3.4	1	3.3	123	2.4	3	4.5	643	2.1
Black or African American	16	1.8	3,126	1.6	11	1.4	2,407	1.5	1	3.3	310	6.0	4	6.0	409	1.3
Hawaiian / Pacific Islander	3	0.3	578	0.3	3	0.4	578	0.4	0	-	0	-	0	-	0	-
White	766	84.1	148,040	73.9	691	84.9	135,958	82.6	23	76.7	4,044	78.4	52	77.6	8,038	26.2
2 or More Minority Races	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Joint Race (White/Minority)	11	1.2	2,677	1.3	11	1.4	2,677	1.6	0	-	0	-	0	-	0	-
Race Not Available	77	8.5	38,121	19.0	64	7.9	15,813	9.6	5	16.7	680	13.2	8	11.9	21,628	70.4
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Applicant Ethnicity																
Hispanic or Latino	466	51.2	83,118	41.5	425	52.2	76,552	46.5	9	30.0	1,678	32.5	32	47.8	4,888	15.9
Not Hispanic or Latino	361	39.6	76,853	38.4	322	39.6	70,688	43.0	15	50.0	2,401	46.6	24	35.8	3,764	12.3
Joint (Hisp/Lat / Not Hisp/Lat)	30	3.3	7,329	3.7	26	3.2	6,507	4.0	1	3.3	276	5.4	3	4.5	546	1.8
Ethnicity Not Available	54	5.9	33,088	16.5	41	5.0	10,766	6.5	5	16.7	802	15.6	8	11.9	21,520	70.1
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019



**Table 3-2
Home Purchase Loans - Denials by Race and Ethnicity (2013-2017)**

Loan Category	2013				2014				2015				2016				2017				
	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	
Loan Purpose and Type																					
Purchase - Conventional	467	39.3	37	55.2	473	41.5	28	48.3	490	35.6	29	52.7	611	39.0	37	52.1	447	49.1	36	53.7	
Purchase - Government	720	60.7	30	44.8	666	58.5	30	51.7	885	64.4	26	47.3	957	61.0	34	47.9	464	50.9	31	46.3	
Total	1,187	100	67	100	1,139	100	58	100	1,375	100	55	100	1,568	100	71	100	911	100	67	100	
Applicant Race																					
American Indian/Alaska Native	19	1.6	2	3.0	21	1.8	2	3.4	11	0.8	0	-	3	0.2	1	1.4	8	0.9	0	-	
Asian	22	1.9	1	1.5	22	1.9	3	5.2	18	1.3	1	1.8	26	1.7	3	4.2	30	3.3	3	4.5	
Black or African American	12	1.0	1	1.5	18	1.6	1	1.7	10	0.7	1	1.8	20	1.3	6	8.5	16	1.8	4	6.0	
Hawaiian / Pacific Islander	4	0.3	0	-	5	0.4	0	-	0	-	0	-	13	0.8	1	1.4	3	0.3	0	-	
White	876	73.8	53	79.1	795	69.8	46	79.3	929	67.6	46	83.6	1,121	71.5	56	78.9	766	84.1	52	77.6	
2 or More Minority Races	0	-	0	-	2	0.2	0	-	1	0.1	0	-	2	0.1	0	-	0	-	0	-	
Joint Race (White/Minority)	12	1.0	1	1.5	10	0.9	0	-	9	0.7	0	-	8	0.5	0	-	11	1.2	0	-	
Race Not Available	242	20.4	9	13.4	266	23.4	6	10.3	397	28.9	7	12.7	375	23.9	4	5.6	77	8.5	8	11.9	
Total	1,187	100	67	100	1,139	100	58	100	1,375	100	55	100	1,568	100	71	100	911	100	67	100	
Applicant Ethnicity																					
Hispanic or Latino	468	39.4	36	53.7	414	36.3	34	58.6	504	36.7	26	47.3	638	40.7	40	56.3	466	51.2	32	47.8	
Not Hispanic or Latino	445	37.5	21	31.3	427	37.5	21	36.2	448	32.6	21	38.2	527	33.6	27	38.0	361	39.6	24	35.8	
Joint (Hisp/Lat / Not Hisp/Lat)	35	2.9	3	4.5	38	3.3	0	-	38	2.8	4	7.3	38	2.4	2	2.8	30	3.3	3	4.5	
Ethnicity Not Available	239	20.1	7	10.4	260	22.8	3	5.2	385	28.0	4	7.3	365	23.3	2	2.8	54	5.9	8	11.9	
Total	1,187	100	67	100	1,139	100	58	100	1,375	100	55	100	1,568	100	71	100	911	100	67	100	

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019



**Table 3-3
Refinance Loans - Denials by Race and Ethnicity (2013-2017)**

Loan Category	2013				2014				2015				2016				2017				
	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	
Loan Purpose and Type																					
Refinance	1,166	100.0	254	100.0	624	100.0	185	100.0	919	100.0	280	100.0	1,317	100.0	451	100.0	806	100.0	217	100.0	
Total	1,166	100	254	100	624	100	185	100	919	100	280	100	1,317	100	451	100	806	100	217	100	
Applicant Race																					
American Indian/Alaska Native	19	1.6	6	2.4	7	1.1	1	0.5	3	0.3	2	0.7	28	2.1	15	3.3	22	2.7	11	5.1	
Asian	20	1.7	5	2.0	12	1.9	8	4.3	18	2.0	5	1.8	22	1.7	10	2.2	17	2.1	5	2.3	
Black or African American	9	0.8	1	0.4	7	1.1	3	1.6	19	2.1	8	2.9	42	3.2	22	4.9	19	2.4	10	4.6	
Hawaiian / Pacific Islander	4	0.3	0	-	0	-	0	-	6	0.7	3	1.1	7	0.5	3	0.7	4	0.5	2	0.9	
White	887	76.1	166	65.4	465	74.5	135	73.0	684	74.4	189	67.5	886	67.3	258	57.2	532	66.0	121	55.8	
2 or More Minority Races	0	-	0	-	1	0.2	1	0.5	0	-	0	-	1	0.1	1	0.2	0	-	0	-	
Joint Race (White/Minority)	14	1.2	4	1.6	12	1.9	1	0.5	13	1.4	5	1.8	29	2.2	14	3.1	10	1.2	1	0.5	
Race Not Available	213	18.3	72	28.3	120	19.2	36	19.5	176	19.2	68	24.3	302	22.9	128	28.4	202	25.1	67	30.9	
Total	1,166	100	254	100	624	100	185	100	919	100	280	100	1,317	100	451	100	806	100	217	100	
Applicant Ethnicity																					
Hispanic or Latino	329	28.2	78	30.7	414	36.3	64	34.6	504	36.7	112	40.0	444	33.7	157	34.8	286	35.5	74	34.1	
Not Hispanic or Latino	629	53.9	109	42.9	427	37.5	88	47.6	448	32.6	121	43.2	637	48.4	207	45.9	356	44.2	86	39.6	
Joint (Hisp/Lat / Not Hisp/Lat)	52	4.5	13	5.1	38	3.3	10	5.4	38	2.8	7	2.5	61	4.6	20	4.4	27	3.3	8	3.7	
Ethnicity Not Available	156	13.4	54	21.3	260	22.8	23	12.4	385	28.0	40	14.3	175	13.3	67	14.9	137	17.0	49	22.6	
Total	1,166	100	254	100	1,139	100	185	100	1,375	100	280	100	1,317	100	451	100	806	100	217	100	

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019



**Table 3-4
Home Improvement Loans - Denials by Race and Ethnicity (2013-2017)**

Loan Category	2013				2014				2015				2016				2017			
	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%	Tot	%	Den.	%
Loan Purpose and Type																				
Home Improvement Loans	84	100.0	40	100.0	172	100.0	84	100.0	207	100.0	106	100.0	194	100.0	109	100.0	182	100.0	76	100.0
Total	84	100	40	100	172	100	84	100	207	100	106	100	194	100	109	100	182	100	76	100
Applicant Race																				
American Indian/Alaska Native	3	3.6	1	2.5	6	3.5	3	3.6	6	2.9	5	4.7	5	2.6	4	3.7	2	1.1	1	1.3
Asian	3	3.6	0	-	4	2.3	2	2.4	2	1.0	2	1.9	3	1.5	2	1.8	0	-	0	-
Black or African American	3	3.6	2	5.0	4	2.3	4	4.8	3	1.4	3	2.8	5	2.6	3	2.8	5	2.7	3	3.9
Hawaiian / Pacific Islander	0	-	0	-	2	1.2	2	2.4	1	0.5	1	0.9	2	1.0	1	0.9	1	0.5	1	1.3
White	60	71.4	26	65.0	124	72.1	51	60.7	157	75.8	70	66.0	140	72.2	75	68.8	147	80.8	58	76.3
2 or More Minority Races	0	-	0	-	0	-	0	-	0	-	0	-	1	0.5	1	0.9	0	-	0	-
Joint Race (White/Minority)	2	2.4	1	2.5	5	2.9	3	3.6	2	1.0	1	0.9	4	2.1	1	0.9	3	1.6	1	1.3
Race Not Available	13	15.5	10	25.0	27	15.7	19	22.6	36	17.4	24	22.6	34	17.5	22	20.2	24	13.2	12	15.8
Total	84	100	40	100	172	100	84	100	207	100	106	100	194	100	109	100	182	100	76	100
Applicant Ethnicity																				
Hispanic or Latino	37	44.0	22	55.0	67	39.0	35	41.7	92	44.4	51	48.1	78	40.2	52	47.7	66	36.3	33	43.4
Not Hispanic or Latino	38	45.2	11	27.5	77	44.8	33	39.3	81	39.1	36	34.0	79	40.7	37	33.9	90	49.5	29	38.2
Joint (Hisp/Lat / Not Hisp/Lat)	0	-	0	-	10	5.8	5	6.0	6	2.9	1	0.9	11	5.7	4	3.7	7	3.8	4	5.3
Ethnicity Not Available	9	10.7	7	17.5	18	10.5	11	13.1	28	13.5	18	17.0	26	13.4	16	14.7	19	10.4	10	13.2
Total	84	100	40	100	172	100	84	100	207	100	106	100	194	100	109	100	182	100	76	100

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019



The data shows that in Tulare the White racial group had the highest number of home purchase loans completed – 84.1 percent. Other racial groups - Asian (3.3 percent) and African American (1.8 percent) had lower number of purchase loans completed in Tulare. The Hispanic ethnic group (not considered a race by the Census and other reporting agencies) had 52.8 percent of all purchase loans originated in Tulare. Denial rates by race were also analyzed. In Tulare, denial rates, as a percent of total denials as shown in **Table 3-5**, was highest for White (77.6 percent), Hispanic (47.8 percent), Asian (4.5 percent) and African Americans (6 percent). This table also compares the completed and denial rates with the population in the City of Tulare. White and Asian racial groups had more loans completed than their share of the City’s population, while Hispanics and Blacks had less home purchase loans than their share of the population.

**Table 3-5
Home Purchase Loans - Compared to Population
By Race and Ethnicity (2017)**

Demographic Data (1)			Home Purchase Loans Data (2)			
Race/Ethnicity	Pop.	%	Denials/Race		Completed Loans	
			Total	%	Total	%
White	48,497	78.2%	52	77.6%	766	84.1%
Black or African American	2,192	3.5%	4	6.0%	16	1.8%
American Indian and Alaska Native	620	1.0%	0	0.0%	8	0.9%
Asian	1,306	2.1%	3	4.5%	30	3.3%
Native Hawaiian and Other Pacific Islander	141	0.2%	0	0.0%	3	0.3%
Other Race	6,873	11.1%	0	0.0%	0	0.0%
Two or more races	2,348	3.8%	0	0.0%	0	0.0%
Unk/NA			8	11.9%	88	9.7%
Total	61,977	100.0%	67	100.0%	911	100.0%
Hispanic or Latino (any race)	8,082	61.4%	32	47.8%	481	52.8%

(1) Source: American Community Survey 2013-17

(2) Source: www.lendingpatterns.com, June 2019

Tabulations: GRC Associates, Inc., June 2019

1 - Includes conventional and government-assisted (FHA, FSA/RHS and VA) home purchase applications.

2 - Denial rate based on applications that went through the complete underwriting process, and excludes applications withdrawn or files closed for incompleteness.



As shown in **Table 3-6**, which presents disposition of home purchase loans compared to the population composition in 2017, Whites were over represented by 5.8 percent and the Asian group by 1.2 percent. Whereas, American Indians, Black/African Americans and Hispanic/Latinos were under represented in the City of Tulare homeownership market in 2017. This was especially evident for Hispanic/Latinos (-10.1 percent) and Black/African Americans (-1.7 percent).

Table 3-6
Disposition of Home Purchase Loans - Compared to Population
by Race and Ethnicity Percentages (2017)

Race / Ethnicity	% of Total Applications	% of Total Population	% Difference in Applications to Total Population
American Indian/Alaska Native	0.9%	1.0%	-0.1%
Asian	3.3%	2.1%	1.2%
Black or African American	1.8%	3.5%	-1.7%
Hawaiian / Pacific Islander	0.3%	0.2%	0.1%
White	84.1%	78.3%	5.8%
2 or More Minority Races	0.0%	3.8%	-3.8%
Joint Race (White/Minority)	1.2%	n/a	n/a
Race Not Available	8.4%	n/a	n/a
Other Race	n/a	11.0%	n/a
Total	100.0%	100.0%	0.0%
Applicant Ethnicity			
Hispanic or Latino	51.2%	61.3%	-10.1%
Not Hispanic or Latino	39.6%		
Joint (Hisp/Lat / Not Hisp/Lat)	3.3%		
Ethnicity Not Available	5.9%		
Total	100.0%		

Sources: *Lending Patterns, Federal Financial Institutions Examination Council, June 2019, Home Mortgage Disposition Act (HMDA) data, 20012 and Census ACS 2013-2017*



Table 3-7 presents the top 15 home purchase lenders in the City of Tulare. These top 15 lenders made almost 80 percent of all the loans in the City. Also, most of the purchase loans were to owner occupants, 96 percent.

**Table 3-7
Top 15 Home Purchase Lenders - City of Tulare (2017)**

Rank	Lender	#	% Share	Occupancy Owner Occupied	
				#	%
1	Country Club Mortgage, Inc.	185	20.3%	179	96.8%
2	Kings Mortgage Services Incorp.	126	13.8%	121	96.0%
3	Freedom Mortgage Corp.	85	9.3%	84	98.8%
4	Finance of America Mortgage LL	47	5.2%	46	97.9%
5	Eagle Home Mortgage of Calif.	43	4.7%	41	95.3%
6	DHI Mortgage Company	35	3.8%	34	97.1%
7	Citywide Home Loans (Utah Corp)	32	3.5%	32	100.0%
8	Wells Fargo Bank, National Assoc.	26	2.9%	22	84.6%
9	New American Mortgage, LLC	23	2.5%	20	87.0%
10	Right Start Mortgage, Inc.	22	2.4%	20	90.9%
10	Mason McDuffie Mortgage Corp.	22	2.4%	22	100.0%
12	Caliber Home Loans, Inc.	20	2.2%	19	95.0%
13	Banc of California, Inc.	18	2.0%	18	100.0%
14	Primary Residential Mortgage	17	1.9%	15	88.2%
15	Guild Mortgage Company	16	1.8%	15	93.8%
Top 15 Lenders in Tulare Total		717	100.0%	688	96.0%
Total in City of Tulare		911	78.7%		

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019, Home Mortgage Disposition Act (HMDA) data, 2017

Table 3-8 presents home purchasing loans according to the applicant’s income and gender. It shows that the largest number of applicants for both conventional and government-backed loans had incomes that were more than 120 percent of the county median income. There were 616 residents in this income group applying for a conventional loan. The approval rate for this income group was 94.3 percent. On the other hand, there were no loans approved at the low-income range (0-49 percent of median in the City of Tulare).



**Table 3-8
Home Purchase Loans by Income and Gender (2017)**

Loan Category	Total Applications				Originated				Approved Not Accepted				Denied			
	Count	%	(\$000)	%	Units	%	(\$000)	%	Count	%	(\$000)	%	Count	%	(\$000)	%
Loan Purpose and Type																
Purchase - Conventional	447	49.1	103,301	51.6	396	48.6	76,515	46.5	15	50.0	1,845	35.8	36	53.7	24,941	81.2
Purchase - Government	464	50.9	97,087	48.4	418	51.4	87,998	53.5	15	50.0	3,312	64.2	31	46.3	5,777	18.8
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Applicant Income																
Low (0-49% of Median)	13	1.4	1,796	0.9	9	1.1	986	0.6	0	-	0	-	4	6.0	810	2.6
Moderate (50-79% of Median)	107	11.7	13,411	6.7	94	11.5	11,950	7.3	3	10.0	329	6.4	10	14.9	1,132	3.7
Middle (80-119% of Median)	279	30.6	44,511	22.2	246	30.2	39,432	24.0	7	23.3	1,147	22.2	26	38.8	3,932	12.8
Upper (>=120% of Median)	500	54.9	116,295	58.0	456	56.0	108,280	65.8	20	66.7	3,681	71.4	24	35.8	4,334	14.1
Income Not Available	12	1.3	24,375	12.2	9	1.1	3,865	2.3	0	-	0	-	3	4.5	20,510	66.8
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Tract/BNA Characteristics																
Substantially Minority	789	86.6	179,239	89.4	707	86.9	145,160	88.2	22	73.3	4,263	82.7	60	89.6	29,816	97.1
Not Substantially Minority	122	13.4	21,149	10.6	107	13.1	19,353	11.8	8	26.7	894	17.3	7	10.4	902	2.9
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Low (0-49% of Median)	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Moderate (50-79% of Median)	155	17.0	22,974	11.5	126	15.5	19,112	11.6	5	16.7	654	12.7	24	35.8	3,208	10.4
Middle (80-119% of Median)	140	15.4	23,614	11.8	126	15.5	21,720	13.2	6	20.0	1,024	19.9	8	11.9	870	2.8
Upper (>=120% of Median)	616	67.6	153,800	76.8	562	69.0	123,681	75.2	19	63.3	3,479	67.5	35	52.2	26,640	86.7
NA	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Low/Mod and/or Sub Minority	789	86.6	179,239	89.4	707	86.9	145,160	88.2	22	73.3	4,263	82.7	60	89.6	29,816	97.1
All Other Census Tracts	122	13.4	21,149	10.6	107	13.1	19,353	11.8	8	26.7	894	17.3	7	10.4	902	2.9
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100
Applicant Sex																
Male	343	37.7	62,066	31.0	301	37.0	55,474	33.7	15	50.0	2,276	44.1	27	40.3	4,316	14.1
Female	196	21.5	34,459	17.2	180	22.1	32,046	19.5	4	13.3	937	18.2	12	17.9	1,476	4.8
Joint	342	37.5	75,459	37.7	310	38.1	70,001	42.6	10	33.3	1,842	35.7	22	32.8	3,616	11.8
Not Applicable	30	3.3	28,404	14.2	23	2.8	6,992	4.3	1	3.3	102	2.0	6	9.0	21,310	69.4
Total	911	100	200,388	100	814	100	164,513	100	30	100	5,157	100	67	100	30,718	100

Sources: Lending Patterns, Federal Financial Institutions Examination Council, June 2019, Home Mortgage Disposition Act (HMDA) data, 2017

An analysis of lending patterns for race/ethnicity and income together helps reveal differences among applicants of different races/ethnicities of the same income levels. Although this analysis provides a more in-depth look at lending patterns, it still cannot provide a reason for any discrepancy. Aside from income, many other factors can contribute to the availability of financing, including credit history, the availability and amount of a down payment and knowledge of the home-buying process, among others. The HMDA data does not provide insight into these and many other factors. However, the City should continue to monitor the approval rates among ethnic groups and continue to take appropriate actions to remove barriers to financing, including credit counseling, down payment assistance and homebuyer education programs.



Lending Practices

Subprime Lending

According to the Federal Reserve, “prime” mortgages are offered to persons with excellent credit and employment history and income adequate to support the loan amount. “Subprime” loans are loans to borrowers who have less-than-perfect credit history, poor employment history, or other factors such as limited income. By providing loans to those who do not meet the credit standards for borrowers in the prime market, subprime lending can and does serve a critical role in increasing levels of homeownership. Households that are interested in buying a home but have blemishes in their credit record, insufficient credit history or nontraditional credit sources might otherwise be unable to purchase a home. The subprime loan market offers these borrowers opportunities to obtain loans that they would be unable to realize in the prime loan market.

Subprime lenders generally have interest rates that are higher than those in the prime market and often lack the regulatory oversight required for prime lenders because they are not owned by regulated financial institutions. In the past decade, however, many large and well-known banks became involved in the subprime market either through acquisitions of other firms or by initiating loans that were subprime directly.

Most subprime loans provide families with payments for the first few years at a low “teaser” rate. After that, the loans reset every six months or year to a higher, fully indexed rate, which can cost borrowers hundreds of extra dollars each month. This extra expense has increased the housing cost burden of many families and for many has ultimately resulted in foreclosure.

Predatory Lending

With an active housing market, potential predatory lending practices by financial institutions may arise. Predatory lending involves abusive loan practices usually targeting minority homeowners or those with less-than-perfect credit histories. The predatory practices typically include high fees, hidden costs and unnecessary insurance and larger repayments due in later years. One of the most common predatory lending practices is placing borrowers into higher interest rate loans than called for by their credit status. Although the borrowers may be eligible for a loan in the “prime” market, they are directed into more expensive and higher fee loans in the “subprime” market. In other cases, fraudulent appraisal data is used to mislead homebuyers into purchasing overvalued homes, or fraudulent or misrepresented financial data is used to encourage homebuyers into assuming a larger loan than can be afforded. Both cases almost inevitably result in foreclosure.

In recent years, predatory lending has also penetrated the home improvement financing market. Seniors and ethnic minority homeowners are the usual targets. In general, home improvement financing is more difficult to obtain than home purchase financing. Many homeowners have a debt-to-income ratio that is too high to qualify for home improvement loans in the prime market and become targets of predatory lending in the subprime market. Seniors are often swindled into



installing unnecessary devices or making unnecessary improvements that are bundled with unreasonable financing terms.

Predatory lending is a growing fair housing issue. Predatory as well as discriminatory lending is addressed under the Fair Housing Act of 1968, which requires equal treatment in terms and conditions of housing opportunities and credit regardless of race, religion, color, national origin, family status or disability. This applies to loan originators as well as the secondary market. The Equal Credit Opportunity Act of 1972 requires equal treatment in loan terms and availability of credit for all of the above categories, as well as age, sex and marital status. Lenders that engage in predatory lending would violate these acts if they were to target ethnic minority or elderly households to buy higher-priced and unequal loan products, treat loans for protected classes differently than those of comparably creditworthy White applicants, or have policies or practices that have a disproportionate effect on the protected classes.

Data available to investigate the presence of predatory lending are extremely limited. At present, HMDA data are the most comprehensive available for evaluating lending practices. However, as discussed before, the HMDA data lack the financial details of the loan terms to conclude any kind of predatory lending. Efforts at the national level are pushing for increased reporting requirements in order to curb predatory lending.

Predatory lending and unsound investment practices, which are central to the current home foreclosure crisis, have resulted in a credit crunch that has spread well beyond the housing market and is now affecting the cost of credit for local government borrowing, as well as local property tax revenues. To curb the future negative impact of predatory lending, in June 2009 the governor of California signed into law Assembly Bill 260, reforming mortgage lending and specifically banning predatory lending practices. The legislation created a fiduciary duty standard for mortgage brokers, eliminated compensation incentives that encourage the steering of borrowers into risky loans and established regulations on prepayment penalties.⁴

⁴State of California AB 260



4. Public Policies and Practices

Public policies established at the state, regional and local levels can affect housing development and therefore the range of housing choices available to residents. This section discusses the various public policies that could influence fair housing choice in the City of Tulare.

City Policies and Programs Affecting Housing Development

The Tulare General Plan, Zoning Ordinance, Consolidated Plan and other documents have been reviewed to evaluate the following potential impediments to fair housing choice and affordable housing development:

- Local zoning, building, occupancy, and health and safety codes.
- Public policies and building approvals that add to the cost of housing development.
- Moratoriums or growth management plans.
- Residential development fees.
- Administrative policies affecting housing activities or community development resources for areas of minority concentration, or policies that inhibit the employment of minorities or individuals with disabilities.
- Community representation on planning and zoning boards and commissions.

General Plan Policies Affecting Housing Development

General Plan Housing Element. The Housing Element is one of seven state-mandated Elements of the General Plan. California housing element law, originally enacted in 1969 requires that local governments adequately plan to meet the existing and projected housing needs of all economic segments of their community. The City of Tulare seeks to promote free housing choices for all its residents as well as to provide guidance for municipal decisions on the quality, inventory and conservation of its existing housing.

The State Department of Housing and Community Development (HCD) plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan. Important criteria for HCD approval of any housing element include a determination that the local jurisdiction's policies do not unduly constrain the maintenance, improvement, and development of a variety of housing choices for all income levels.



The most recent City of Tulare Housing Element, the City of Tulare 2015-2023 Housing Element (“Tulare Housing Element”) was adopted on April 27, 2016 and found to be in compliance with State housing law by HCD. HCD compliance findings was based on, among other things, on the implementation of Housing Program A-3: Rezoning Program which committed to rezone to accommodate the shortfall carryover of adequately zoned sites from the previous planning period within one years of the new 5th-cycle planning period. The City is still in the process of meeting the required implementation of Housing Program A-3. The City has rezoned 95.93 acres of acreage within the City limits to high-density residential (RM-4). As a result, HCD has approved and the City’s Housing Element is compliance.

General Plan Land Use Element. The Land Use Element serves as the foundation for all land use controls within a jurisdiction, and identifies the location, distribution, and density/intensity of permitted uses. For residential and often times mixed-use land uses, the Land Use Element establishes a range of residential densities for each land use designations which is typically expressed in dwelling units per acre.

Numerous factors, both market and governmental, affect the supply and cost of housing in a community. The governmental factor that most directly influences these market conditions is the allowable density range of residentially designated land. In general, higher densities allow developers to take advantage of economies of scale, reduce the per-unit cost of land and improvements, and reduce developments costs associated with new housing construction. Reasonable density standards ensure the opportunity for higher-density residential uses to be developed within a community, increasing the feasibility of producing affordable housing, and facilitating the provision of a greater range of housing types to address community needs.

The Tulare General Plan Land Use Element, adopted in October 7, 2014, as amended, provides a range of residential development opportunities through the City’s General Plan Land Use designations and implemented through its corresponding Zoning Districts. The land use designations range from Rural Residential (RR) of 0.2.0 dwelling units per acre (DU/Ac.) to High Density Residential (HDR) of 14.1-29.0 DU/Ac. **Table 4-1** present the land use designations, corresponding zoning districts, and density ranges and **Figure 4-1** shows the 2035 General Plan Land Use Map.



**Table 4-1
Residential Land-Use Designations**

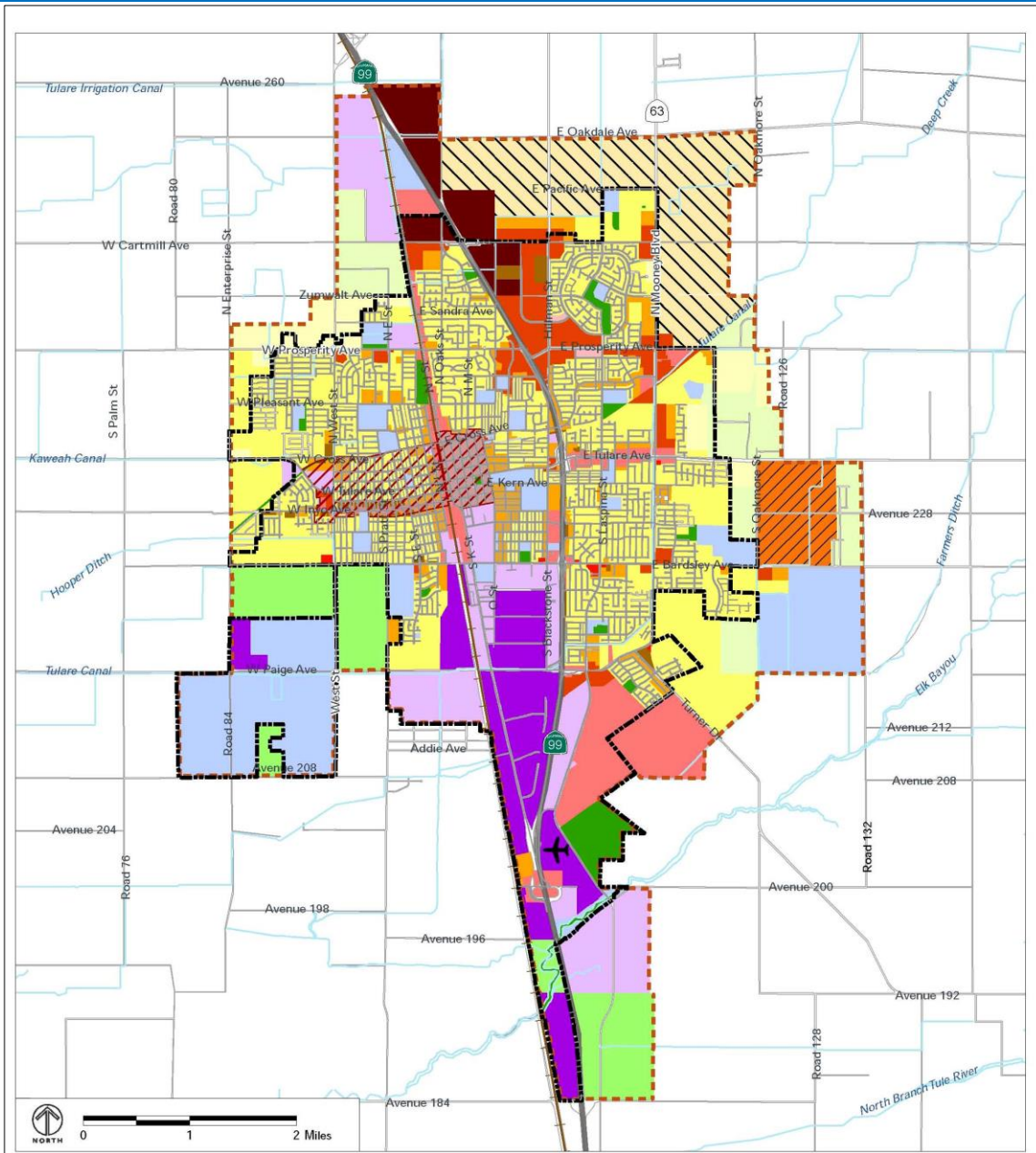
General Plan Land Use Designation	Corresponding Zone Districts	Density Range DU/Acre
Rural Residential (RR)	Rural Resid. (R-A) Single-Family Resid. (R-1-20)	0-2.0
Residential Estate (RE)	Single-Family Resid. (R-1-12.5, R-1-20)	2.1-3.0
Low Density Residential (LDR)	Single-Family Resid. (R-1-5, R-1-6, R-1-7, R-1-8)	3.1-7.0
Medium Density Residential (MDR)	Small Lot Resid. (R-1-4) Multi-Family Resid. (R-M-1, R-M-2, R-M-3, R-M-4)	7.1-14.0
High Density Residential (HDR)	Multi-Family Resid. (R-M-1, R-M-2, R-M-3, R-M-4)	14.1-29.0

Note: Other General Plan land use designations (Central Business District, Mixed Use, Transit-Oriented Development, Village, Open Space/Agriculture) permit residential uses. Additionally, other land use designations allow residential uses under a Conditional Use Permit (CUP).

Sources: City of Tulare General Plan 2035 and Housing Element 2015-2023



**Figure 4-1
City of Tulare 2035 General Plan Land Use Map**



Source: City of Tulare, Tulare County, and The Planning Center | DC&E.

- | | | |
|-----------------------------------|---------------------------|------------------------|
| City Limit | Neighborhood Commercial | Heavy Industrial |
| 2035 Urban Development Boundary | Community Commercial | Public/Quasi-Public |
| Rural Residential 0-2 | Regional Commercial | Parks & Recreation |
| Residential Estate 2.1-3 | Service Commercial | Open Space/Agriculture |
| Low Density Residential 3.1-7 | Central Business District | Village* |
| Medium Density Residential 7.1-14 | Office Commercial | COS North TOD |
| High Density Residential 14.1-29 | Light Industrial | TOD Overlay |

*Village areas require a Specific Plan and a General Plan Amendment prior to development.

**2035 GENERAL PLAN
LAND USE MAP**



Zoning Ordinance

Chapter 10 of the City of Tulare Municipal Code is the Zoning Ordinance, which implements the General Plan Land Use and Housing Elements by establishing zoning districts and development standards that correspond with General Plan land use designations. Development standards can include density, minimum lot size, building size, setbacks, off-street parking, building height, public improvements, etc.

Higher-density housing reduces land costs on a per-unit basis and thus facilitates the development of affordable housing. Restrictive zoning that requires unusually large lots and building size can substantially increase housing costs and impede housing production. Although housing affordability alone is not a fair housing issue, many low- and moderate-income households are disproportionately concentrated in groups protected under the fair housing laws, such as persons with disabilities and persons of color. When the availability of affordable housing is limited, indirectly affecting the housing choices available to groups protected by fair housing laws, fair housing concerns may arise.

Aspects of the zoning ordinance that may affect a person's access to housing or limit the range of housing choices available are further discussed below.

Variety of Housing Opportunity

To ensure fair housing choice in a community, a zoning ordinance should provide for a range of housing types, including single family, multifamily, second dwelling units, mobile homes, licensed community care facilities, assisted living facilities, emergency shelters and transitional housing.

Mobile Home and Manufactured Housing. State law requires that mobile and manufactured homes be allowed on parcels zoned for conventional single-family units. These units cannot be regulated by any planning fees or review processes not applicable to conventional single-family dwellings. However, the architectural design of manufactured or mobile homes can be regulated by the City. Under the current City zoning regulations manufactured/mobile homes are permitted in the R-A (Rural Residential) and R-1 (Single-Family Residential) zoning districts, but are not permitted in the R-1-4 (Small Lot Residential) zoning district.

Secondary Dwelling Units. To encourage establishment of secondary dwelling units on existing developed lots, State law requires cities and counties to either adopt an ordinance based on standards set out in the law authorizing creation of second units in residentially-zoned areas, or where no ordinance has been adopted, to allow second units if they meet standards set out in the State law. State law requires ministerial consideration of second-unit applications in zones where single-family dwellings are permitted. Local governments are precluded from totally prohibiting second units in residentially zoned areas unless they make specific findings (Government Code Section 65852.2). Second units can be an important source of affordable housing since they are smaller than primary units and they do not have direct land costs. Second units can also provide supplemental income to the homeowner, thus allowing the elderly to remain in their homes or moderate-income families to afford houses.



In the City's Zoning Ordinance secondary dwelling units are referred to as "second residential unit" or "granny flats." A second residential unit is either detached or attached dwelling unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence. Second units are permitted by right in the R-A (Rural Residential) and R-1 (Single-Family Residential) zoning districts.

Emergency Shelters and Transitional and Supportive Housing. State legislation SB 2 requires jurisdictions to permit emergency shelters without a Conditional Use Permit (CUP) or other discretionary permits in at least one zone. It also requires transitional housing and supportive housing to be considered residential uses and only be subject to the same restrictions that apply to the same housing types in the same zone.

In the City Zoning Ordinance, emergency shelters serving 12 or less people are permitted by right in the R-M (Multi-Family Residential) zone and as a conditional use in the C-4 zone. Transitional housing and emergency shelters serving 13 or more people are conditionally permitted in both the R-M and C-4 (Service Commercial) zoning districts. The City's Zoning Ordinance does not comply with State law for transitional and supportive housing. State law (Government Code Section 65583) requires cities and counties to consider transitional and supportive housing as residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone. The Zoning Ordinance does not contain any provisions for supportive housing, and limits the zones in which transitional housing is allowed. It also contains occupancy restrictions for transitional housing that are beyond what is required for other housing types in these zones.

While the Zoning Ordinance allows emergency shelters in the R-M zone by right (without any discretionary review), the occupancy restriction of 12 persons or fewer may be a constraint. The Housing Element contains a program to work with local providers of emergency shelter to identify whether or not the occupancy restriction is a constraint and to amend the Zoning Ordinance as necessary. City staff have identified that the issue lies in grouping transitional housing along with emergency shelters. Government Code Section 65583(a)(4)(A)(i) allows limits on the number of beds or persons to be served nightly, however this provision does not apply to transitional or supportive housing, which is only subject to those restrictions that apply to other residential uses of the same type in the same zone. As a result, revisions to the City's Zoning Ordinance are in progress and will be presented to Planning Commission and City Council for approval within the next year. The revisions would be made to add transitional and supportive housing as permitted uses within the R-M zone, subject only to the same requirements and development standards of other multi-family housing.

Housing for Agricultural Employees. The farmworker population is becoming less migrant. More farmworkers are residing in the community permanently, and therefore many of the housing needs of this group are addressed through general affordable housing strategies that expand the supply of lower-income housing. The City provides a number of opportunities for the provision of housing for agricultural employees; however, the City's Zoning Ordinance is not fully consistent with State law. State law requires jurisdictions to permit employee housing of up to 36 beds in group quarters or 12 units in all zones that allow agriculture. The City permits employee housing



for employees that live on the property for up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household in the Agricultural Zoning District. However, there are other zones that allow agriculture in the city (i.e., R-A, UR, M-1, M-2) where employee housing must also be permitted. State law also requires jurisdictions to permit employee housing for six or fewer employees in zones that permit single family units. The City's Zoning Ordinance was amended in 2016 to comply with the Employee Housing Act. Additionally, the City continues to work with the Housing Authority of Tulare County and the County of Tulare on identifying potential sites for employee housing needs.

Reasonable Accommodation. Under the federal Fair Housing Act, the City is required to make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Such accommodations may include the relaxation of parking standards and structural modifications such as wheelchair ramps.

In 2016, the City adopted the Reasonable Accommodation Ordinance (Ord. 16-06), which is included in the Municipal Code Chapter 10.218. This ordinance provides a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures.

Definition of Family.

A City's zoning ordinance can restrict access to housing for individuals living together but failing to qualify as a "family" by the definition specified in the document. Even if the ordinance provides a broad definition, deciding what constitutes a "family" should be avoided by cities to prevent confusion or unintentional restrictiveness. Particularly, when the zoning ordinance uses terms such as single-family homes defining family in too-detailed terms could restrict access to housing for certain segments of the population.

California court cases have ruled that an ordinance that defines a "family" as: (a) an individual; (b) two or more persons related by blood, marriage or adoption; or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit, is invalid. California court rulings stated that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of a jurisdiction, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discrimination between biologically related and unrelated persons.

The City of Tulare's Zoning Ordinance Section 10.212.030 defines Family as: An individual or two or more persons related by blood, marriage or adoption or a group of not more than five persons, not including servants, who need not be related by blood, marriage or adoption, living as a single housekeeping unit. The current Tulare Housing Element includes Housing Implementation Program E-3 to amend the definition of "family" in the Zoning Ordinance as follows to ensure compliance with fair housing laws: "One or more individuals living as a single housekeeping unit." City staff are in progress of updating this definition in the City's Municipal Code, with completion expected over the next year.



Density Bonuses

A density bonus can be an important tool to encourage the diversity of housing types and prices, particularly affordable housing for families and seniors. In 2016, the City adopted a Density Bonus ordinance to comply with State law. California Government Code Section 65915 requires jurisdictions to grant a density bonus in exchange for the provision of affordable housing. In summary, applicants of residential projects of five or more units may apply for a density bonus and additional concession/incentive(s) if the project provides for construction of one of the following:

- 10 percent of units in a housing project for lower income households; or
- 5 percent of units in a housing project for very low-income households; or
- A senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons; or
- 10 percent of units in a common interest development for moderate income households, provided that all units in the development are offered to the public for purchase.

The amount of density bonus to which the applicant is entitled ranges from 20-35 percent above the specified General Plan density, based on the percentage and affordability of units provided. In addition, eligible projects may receive one to three additional development concessions/incentives, based on the applicant demonstrating that it is not financially feasible to build the project without the concessions. The number of concessions a project may be eligible for is based upon a combination of the level of affordability and the percentage of affordable units. Under Zoning Ordinance, the applicant shall receive the following number of incentives or concessions.

- One incentive or concession. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
- Two incentives or concessions. Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
- Three incentives or concessions. Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.

State density bonus law also specifies alternative parking standards which may be utilized at the request of the developer; use of these standards does not count towards a project's development incentives/concessions. These reduced parking standards are inclusive of guest parking and handicapped parking, may be tandem and/or uncovered, and are applicable to the entire development project.

- Zero to one bedroom: one on-site parking space



- Two to three bedrooms: two on-site parking spaces
- Four or more bedrooms: two and one-half on-site parking spaces

AB 2222 (effective January 2015), has made important changes to State density bonus law in an effort to help address potential displacement of existing tenants. Specifically, AB 2222 now prohibits an applicant from receiving a density bonus (and related incentives and waivers) unless the proposed housing development or condominium project would, at a minimum, maintain the number and proportion of affordable housing units within the proposed development, including affordable dwelling units that have been vacated or demolished in the five-year period preceding the application. AB 2222 also increases the required affordability from 30 years or longer to 55 years or longer for all affordable rental units that qualified an applicant for a density bonus, and requires replacement rental units to be subject to a recorded affordability restriction for at least 55 years. If the units that qualified an applicant for a density bonus are affordable ownership units, they must be subject to an equity sharing model rather than a resale restriction. AB 744, signed into law in October 2015, further amends density bonus law to provide additional by-right reductions in parking for density bonus projects. Specifically, for density bonus projects which include the maximum percentage of low income or very low income units (20% and 11%, respectively) and located within one-half mile of a major transit stop with "unobstructed access", upon the request of the developer, the jurisdiction shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. Senior rental housing (as defined in Sections 51.2 and 51.3 of the Civil Code) and housing for special needs populations (as defined in Section 51312 of the Health and Safety Code) also qualify for by-right parking reductions when either paratransit service is provided, or unobstructed access to a fixed bus route service that operates at least eight times per day is available within one-half mile.

Parking Requirements

When parking requirements are high, housing development costs tend to increase, restricting the range of housing types available in a community. Typically, the concern for high parking requirements relates only to multifamily housing. For single-family developments, the zoning ordinance requires two covered parking spaces, and multi-family residential parking requirements vary depending on the number of bedrooms. Studio and one-bedroom units require one and one-half covered parking space plus one uncovered guest space per five dwelling units. Whereas, two or more-bedroom units require two covered parking spaces plus one uncovered guest space per five dwelling units. **Table 4-2** provides further details regarding parking for residential development.



Table 4-2
Residential Parking Standards

Use or Activity	Space Required
1. One family dwelling unit	Two covered spaces per dwelling unit
2. Multi family dwelling unit	(a) Studio and one bedroom: one and one-half covered spaces per dwelling unit plus one uncovered guest space per five dwelling units. (b) Two or more bedrooms: two covered spaces per unit plus one uncovered guest space per five dwelling units.
3. Senior citizen apartments	One covered space per unit, plus one uncovered guest space per five units.
4. Planned residential developments, including single family dwellings and condominiums	Two covered spaces per unit plus one uncovered guest space per five dwelling units.
5. Large residential day care	Two uncovered spaces in addition to those required for the primary residence.

Source: City of Tulare Municipal Code Section 10.192.040

Building Codes

Building codes were created to ensure the safety of buildings and residential structures. Many codes put in place were in response to the loss of life or property due to poor construction techniques or natural disasters (e.g., earthquakes or fires) from the past. The City uses the latest edition of the California Building Code, which sets minimum standards for residential and other structures. No local amendments have been made to the codes that would significantly increase housing costs. Building codes are enforced through scheduled inspections of new construction, remodeling, and rehabilitation projects. Inspections are also conducted in response to public complaints or an inspector's observation of code violation.

The City's building codes requires that new residential construction comply with the American with Disabilities Act (ADA) per federal law. ADA regulations include requirements for a minimum percentage of units in new developments to be fully accessible to the physical disabled.

Section 504 of the Rehabilitation Act of 1973 adds an additional layer of accessibility requirements for projects receiving federal funds, such as HOME or CDBG. In federally assisted new construction or substantially rehabilitated housing with five or more units, five percent of the units, or at least one unit, must be accessible for persons with mobility disabilities. An additional two percent of the dwelling units, or at least one unit, must be accessible for persons with hearing or visual disabilities. These units must be constructed in accordance with the Uniform Federal Accessibility Standards (UFAS), or a standard that is equivalent or stricter. UFAS generally defines an accessible



housing unit as a unit located on an accessible route that can be approached, entered and used by individuals with disabilities.

Public Policies Concerning Community Development and Housing Activities

According to California state law, the housing element of any community's general plan is required to be reviewed by the state's HCD to assure compliance with housing laws. An important criterion of HCD approval of any housing element includes a determination that the local jurisdiction's policies do not unduly constrain the maintenance, improvement and development of a variety of housing choices for all income levels.

As presented in **Table 4-3**, the Tulare Housing Element, includes goals and policies relating to housing in the City.

Moratoriums/Growth Management

The City of Tulare does not have any building moratoriums or growth management plans that limit housing construction.



**Table 4-3
City of Tulare Housing Element Goals and Policies**

Goals	Policy
<p>Goal A: New Housing Development</p> <p>Provide opportunities for a broad range of housing types to meet the needs of all Tulare residents</p>	<ul style="list-style-type: none"> ▪ Policy A-1: The City shall ensure sufficient land is zoned at appropriate densities to accommodate the city’s Regional Housing Needs Allocation (RHNA). ▪ Policy A-2: The City shall encourage residential infill development on vacant and underutilized land that are properly zoned and planned for residential uses within the City limits. ▪ Policy A-3: The City shall encourage home builders to develop multifamily designated land at the highest allowed density to make the use of land and facilities more efficient and to provide more affordable housing opportunities. ▪ Policy A-4: The City shall require that 8 to 12 percent of units in all Master Planned Communities be higher density residential ▪ Policy A-5: The City shall consider the potential impact on the City’s ability to meet its share of the regional housing need when reviewing proposals to downzone residential properties, reclassify residentially-designated property to other uses, or develop a residential site with fewer units than what is assumed for the site in the Housing Element sites inventory. ▪ Policy A-6: The City shall strive to ensure adequate infrastructure and public services are provided to serve existing and planned residential development.
<p>Goal B: Affordable Housing</p> <p>Protect existing sources of affordable housing and facilitate new affordable housing opportunities</p>	<ul style="list-style-type: none"> ▪ Policy B-1: The City shall strive to conserve the existing housing stock, including existing rental housing that is affordable to lower- and moderate- income households an affordable housing that is at-risk of being converted to market rate housing. ▪ Policy B-2: The City shall assist developers, nonprofit housing developers, and other qualified private sector interests in pursuing and applying for Federal, State, NGO, and private financing and grants for the development of affordable housing. ▪ Policy B-3: The City shall facilitate partnerships between non-profit and for-profit housing developers to encourage affordable housing production. ▪ Policy B-4: The City shall encourage sweat equity programs (allowing buyers to contribute labor hours to lower housing costs) for the construction of homes for first-time homebuyers. ▪ Policy B-5: The City shall support and assist to the extent possible, the construction of secondary dwelling units on single family designated and zoned parcels as a means of proving affordable housing. ▪ Policy B-6: In accordance with the provisions of State law, the City shall grant density bonuses for qualifying projects as an incentive for the development of lower income and senior citizen housing. ▪ Policy B-7: The City shall support lot consolidation to encourage the development of housing for lower-income households. ▪ Policy B-8: The City shall continue expeditiously processing residential projects that provide affordable housing, while meeting General Plan policy and City regulatory requirements. ▪ Policy B-9: The City shall continue to improve outreach programs and facilitate coordination between agencies and committees to increase public awareness of housing issues and available assistance.



**Table 4-3 (Cont.)
City of Tulare Housing Element Goals and Policies**

Goals	Policy
<p>Goal C: Special Needs</p> <p>Provide a range of housing services for Tulare residents with special needs</p>	<ul style="list-style-type: none"> ▪ Policy C-1: The City encourage and support developers to supply housing that is accessible and affordable to extremely low-income residents and special needs groups, including: the disabled, large families, female-headed households with children, seniors, farmworkers, and the homeless. ▪ Policy C-2: The City shall continue to support efforts at the regional and sub-regional levels to provide housing for the homeless and those in need of emergency shelter. ▪ Policy C-3: The City shall ensure that locations are available within the city to accommodate emergency shelters, supportive housing, or transitional housing. ▪ Policy C-4: The City shall support efforts of the Kings/Tulare Continuum of Care to monitor the homeless population in Tulare and assist with efforts to establish homeless shelters in appropriate locations as needed. (New Policy) / ▪ Policy C-5: The City shall encourage a diversity of housing types that could meet the needs of seniors, including rental housing, apartments designed specifically for seniors, shared housing, secondary dwelling units, group homes, independent living and assisted living facilities, and congregate care facilities. ▪ Policy C-6: The City shall ensure equal access to housing for people with disabilities by providing reasonable accommodation, such as relief from the City’s land use and zoning regulations, development standards, and processing procedures ▪ Policy C-7: The City shall support applications for County, State, and Federal funding for the construction and rehabilitation of supportive housing for persons with disabilities, including developmental disabilities ▪ Policy C-8: The City shall support developers and non-profit housing developers of farmworker housing by assisting in potential site identification and applying for or supporting applications for funding. ▪ Policy C-9: The City shall encourage the construction of affordable units with three or more bedrooms to accommodate the needs of large households, and shall encourage non-profit housing developers to construct affordable single-family homes with 3 or 4 bedrooms that will benefit large families.
<p>Goal D: Sustainability and Residential Energy and Water Conservation</p> <p>Improve Energy Efficiency and Water Conservation in new and existing housing</p>	<ul style="list-style-type: none"> ▪ Policy D-1: The City shall encourage high density residential uses, such as senior housing, to be located near shopping, transit, and medical services in order to minimize auto use and encourage pedestrian travel and transit usage. ▪ Policy D-2: The City shall establish a development pattern that helps reduce vehicle miles traveled and promotes transit ridership, and pedestrian and bicycle access. ▪ Policy D-3: The City shall continue to encourage new residential construction to exceed State requirements for energy efficiency and water conservation.) ▪ Policy D-4: The City shall encourage the use of water-efficient landscaping and xeriscaping in residential settings. ▪ Policy D-5: The City should work with local utility companies to promote water and energy efficiency.



**Table 4-3 (Cont.)
City of Tulare Housing Element Goals and Policies**

Goals	Policy
<p>Goal E: Fair Housing</p> <p>Ensure equal opportunity to secure safe, sanitary and affordable housing for everyone in the community</p>	<ul style="list-style-type: none"> ▪ Policy E-1: The City shall promote fair housing opportunities for all people regardless of age, religion, race, creed, sex, sexual orientation, marital status, ancestry, national origin, disability, economic level, and other arbitrary factors. ▪ Policy E-2: The City shall enforce anti-discrimination laws, including discrimination involving age (Age Discrimination Act of 1975), race, color, national origin, sex (HUD, Sections 109 and Title VI of the Civil Rights Act of 1964), or the handicapped (HUD, Section 504). ▪ Policy E-3: The City shall continue to support programs and organizations that promote fair housing and provide rental-mediation services. ▪ Policy E-4: The City shall assist in the enforcement of fair housing laws by providing information and referrals to the public.
<p>Goal F: Removal of Government Constraints</p> <p>Minimize the impact of potential government constraints on the maintenance, improvement and development of housing</p>	<ul style="list-style-type: none"> ▪ Policy F-1: The City shall maintain entitlement procedures that provide the City sufficient oversight of the development and design process while offering residential developers a fair, timely, consistent, and predictable process. ▪ Policy F-2: The City shall encourage continue to monitor and refine its processes and regulations to barriers to the production of housing, particularly affordable- and higher-density housing. ▪ Policy F-3: The City shall continue to ensure that City policies, regulations, and procedures do not add unnecessarily add to the cost of producing housing, while assuring the attainment of other City objectives. ▪ Policy F-4: The City shall encourage developers to "piggyback" or file concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance requests, etc.) if multiple approvals are required, and if consistent with applicable processing requirements, to reduce processing times. ▪ Policy F-5: The City shall facilitate the review of development applications, encourage pre-application meetings with planning and building staff, and streamline the overall planning application and building process for all residential development. ▪ Policy F-6: The City shall consider, on a case-by-case basis, deferring payment of fees through the economic development assistance fund/process.
<p>Goal G: Neighborhood preservation / housing rehabilitation</p> <p>Preserve and enhance the quality and livability of existing housing and residential neighborhoods</p>	<ul style="list-style-type: none"> ▪ Policy G-1: The City shall monitor the quality of the housing stock and maintain an inventory of all substandard housing units ▪ Policy G-2: The City shall provide housing rehabilitation assistance to very-low income, low-income, and special needs groups. ▪ Policy G-3: The City shall seek to eliminate incompatible land uses or blighting influences from residential neighborhoods through cooperative neighborhood improvement Goals, Policies, Programs, and Action Plans Adopted Page 125 April 27, 2015 5 programs, targeted code enforcement, and other available regulatory measures. ▪ Policy G-4: The City shall strive to minimize the demolition of existing multifamily housing, unless the property is found to be substandard and unsuitable for rehabilitation, or will be replaced with an equal or greater number of units of equal or greater affordability. ▪ Policy G-5: The City shall provide assistance and support community volunteer groups, clubs, charitable organizations, religious institutions, and other nonprofit organizations that further minor rehabilitation of the existing housing stock.



**Table 4-3 (Cont.)
City of Tulare Housing Element Goals and Policies**

Goals	Policy
<p>Goal H: Implementation Monitoring</p> <p>Ensure that Housing Element Policies and Programs are implemented on a timely basis</p>	<ul style="list-style-type: none"> ▪ Policy H-1: The City shall continually work to improve the day-to-day implementation of Housing Element programs. ▪ Policy H-1: The City shall annually evaluate implementation of the Housing Element.

Source: City of Tulare 2015-2023 Housing Element

Development Fees/Assessments

Development fees and taxes charged by local governments also contribute to the cost of housing. The City assesses various development fees to cover the costs of permit processing.

State law requires that locally imposed fees not exceed the estimated reasonable costs of providing the service. The fees and exactions required of a development to pay for the public facilities associated with the residential development pose a potential constraint to housing production. Development impact fees and planning processing fees are two types of fees charged by the City and are outlined in **Table 4-4**.

State law also requires that impact fees must have a substantial nexus to the development and that the dedication of land or fees be proportional to the impact of the development.⁵ Like all cities, Tulare abides by state law with respect to fees and exactions. The City charges a limited number of impact fees to ensure that services and infrastructure are in place to serve the planned developments. Although impact fees and requirements for offsite improvements add to the cost of housing, these fees and requirements are necessary to maintain the quality of life within a community.

⁵AB 1600, California Mitigation Fee Act



**Table 4-4
City of Tulare Residential Planning and Zoning Application Fees**

Fee Category	Single Family (1)	Multi-Family
Planning Fees (2)		
Administrative Approval	\$123 (minor deviations) \$761 (minor additions)	\$123 (minor deviations) \$761 (minor additions)
Conditional Use Permit	\$1,016 (MUP) \$2,517 (UP)	\$1,016 (MUP) \$2,517 (UP)
Design Review	\$2,525	\$2,525
Zone Amendment	\$2,996	\$2,996
Zone Variance	\$1,880	\$1,880
Subdivision		
Certificate of Compliance	\$963	\$963
Lot Line Adjustment/Lot Merger	\$1,141	\$1,141
Tentative Parcel Map	\$1,504	\$1,504
Tentative Subdivision Map Up to and Including 49 lots	\$3,477	\$3,477
50-99 lots	\$3,615	\$3,615
100-199 lots	\$4,186	\$4,186
200-299 lots	\$5,188	\$5,188
Over 300 lots	\$6,150	\$6,150
Environmental		
EIR Staff Report	\$10,731	\$10,731
Environmental Assessment (Both Negative Declaration and Mitigated Negative Declaration)	\$2,247	\$2,247
Development Impact Fees (2)		
Law Enforcement	\$38	\$299
Fire	\$246	\$259
General Facilities	\$345	\$603
Library	\$0	\$386
Local Streets	\$632	\$1,119
General Plan Maintenance	\$27	\$0
Water Facilities	\$3,030	\$2,180
Sewer Collection	\$2,860	\$2,060
Storm Drainage *	\$1,438	\$3,644
Ground Water Recharge *	\$517	\$1,687
Railroad Grade Separation	\$316	\$837
Parks and Recreation	\$3,129	\$1,559
State Highway Projects	\$629	\$1,214

(1) Based on a 2,000 square foot home on a 0.3-acre lot.

*(2) Per unit Fee * Based on lot acreage for multi-family. Fee for storm drainage is \$10,133 per acre; fee for groundwater recharge is \$4,685 per acre.*

Source: City of Tulare 2015-2023 Housing Element



Community Representation and Participation

An important strategy for expanding housing choices for all residents is to ensure that residents' concerns are heard. A jurisdiction must create avenues through which residents can voice concerns and participate in the decision-making process. The City values citizen input and has established a City Council and a Planning Commission with representation from the community. In addition, the community participated in the preparation of the AI through various workshops and an online survey. The public outreach program for the AI is outlined in the City of Tulare Citizen Participation Plan and discussed in the Introduction (Chapter 1) of this AI.

City Council. City residents elect the City Council to guide the policy affairs of the community. The City Council must provide an environment that stimulates participation in the governing processes and must conduct the affairs of the City openly and responsively. The Council consists of five members elected to four-year terms by district, and the Mayor and Vice-Mayor are selected by the Council for two-year terms.

Planning Commission. The Tulare City Planning Commission guides the City's planning processes. The commission's work includes the identification of planning-related problems and opportunities, and the review of plans for projects requiring zoning changes, variances or subdivision approval, as well as public-supported projects. The commission currently consists of five individuals from the community appointed by the City Council.



5. Fair Housing Practices

This section provides an overview of the institutional structure of the housing industry with regard to fair housing practices. In addition, this section discusses the fair housing services available to residents, as well as the nature and extent of fair housing complaints received by the City. Typically, fair housing services encompass the investigation and resolution of housing discrimination complaints, discrimination auditing/testing, and education and outreach, including the dissemination of fair housing information. Tenant/landlord counseling services are usually offered by fair housing service providers but are not considered fair housing.

Fair Housing Practices in the Homeownership Market

On December 5, 1996, HUD and the National Association of Realtors (NAR) entered into a Fair Housing Partnership. Article VII of the HUD/NAR Fair Housing Partnership Resolution provides that HUD and the NAR develop a Model of Affirmative Fair Housing Marketing Plan for use by members of the NAR to satisfy HUD's Affirmative Fair Housing Marketing regulations. Even so, discrimination still occurs in the housing market.

Homeownership Process

A challenge in owning a home versus renting a home is the process. Buying a house takes considerably more time and effort than finding a home to rent. The major legal and financial implications surrounding the process also intimidate potential buyers. People can be overwhelmed by the unique terminology, the number of steps required and the financial considerations involved. The process is costly and fair housing issues could surface at any time during this process.

Advertising

The first thing a potential buyer is likely to do when evaluating a home purchase, is search advertisements either in magazines, newspapers or the Internet to get a feel for what the market offers. Language in advertising is sometimes an issue within the realm of real estate. Advertisements cannot include discriminatory references such as the use of words describing current or potential residents or the neighbors or the neighborhood in racial or ethnic terms. Some commonly used statements that are discriminatory include the following:

- Adults preferred
- Perfect for empty nesters
- Conveniently located by a particular church
- Ideal for married couples without kids



Even the use of models in ads has been questioned, based on the idea that it appears to appeal to a certain race. In addition, selecting media or locations for advertising that deny information on listings to certain segments of the housing market could also be considered discriminatory. Even if an agent does not intend to discriminate in an ad, it would still be considered a violation to suggest to a reader whether a protected class is preferred. In cities such as Tulare, where there is a substantial Hispanic (61.3 percent, per 2017 Census ACS data) population, the homeownership process offers opportunities for fair housing violations to arise due to the natural tendency to advertise in a specific language such as Spanish. Although the advertisements might not violate fair housing laws, these advertisements could limit opportunities for other racial/ethnic groups to find housing. Although the homeownership process is outside the jurisdiction of the City, recent litigation has set precedence for violations in advertisements that hold publishers, newspapers, the Multiple Listing Service, real estate agents and brokers accountable for discriminatory ads. As a reminder to choose words carefully, the Multiple Listing Service now prompts a fair housing message when a new listing is being added.

Lending

Initially, buyers must find a lender that will qualify them for a loan. This part of the process entails an application, a credit check, an analysis of ability to repay and the amount for which one is eligible, choosing the type and terms of the loan, etc. Applicants are requested to provide a lot of sensitive information including their gender, ethnicity, income level, age and familial status. Most of this information is used for reporting purposes required of lenders by the Community Reinvestment Act (CRA) and the Home Mortgage Disclosure Act (HMDA), however, there is no guarantee that individual loan officers or underwriters will not misuse the information. A report on mortgage lending discrimination by the Urban Land Institute⁶ outlines four basic stages in which discrimination can occur:

- Advertising and outreach
- Pre-application inquiries
- Loan approval/denial and terms/conditions
- Loan administration

A number of different individuals take part in the various stages of this process and any of them could potentially discriminate. Further areas of potential discrimination include differences in the level of encouragement, financial assistance, types of loans recommended, amount of down payment required and level of customer service provided.

Real Estate Agents

Finding a realtor is normally the next step, which can be done by looking in newspapers, searching the Internet or primarily through referrals. The agent will find the home that fits a buyer's needs,

⁶Turner, M.A., & Skidmore, F. (Eds.). (1999, June). *Mortgage Lending Discrimination: A Review of Existing Evidence*. Washington, DC: Urban Institute.



desires and budget based on the amount for which the buyer is qualified by the lending institution. Realtors might act as agents of discrimination by unintentionally or even intentionally steering potential buyers to or from a particular neighborhood. In Tulare, with a large Hispanic population, a real estate agent might assume that a non-Hispanic buyer would not be interested in living in a primarily Hispanic community or might assume that Hispanic buyers would prefer living in a Hispanic community. This situation could also apply to other protected classes who can be steered away from certain areas on the presumption that they might not want to live there based on the existing demographic makeup of the neighborhood.

Agents might also discriminate by who they agree to represent, who they turn away and the comments they make about their clients. However, the California Association of Realtors (CAR) has included language on many of its forms disclosing fair housing laws to those involved.

The Tulare County Association of Realtors highlight the Fair Housing Act by continuously addressing discrimination in their professional activities. They support programs that educate the public about the right to equal housing opportunities. The County Association of Realtors also works with other organizations to help assure residents of their right to fair housing. The real estate industry in Tulare helps prohibit discrimination in housing by swearing to uphold the National Association of Realtors Code of Ethics. The Code commits all Realtors to providing equal professional services without discrimination.

Per their Code - all members of the Tulare Association of Realtors have a significant focus on the buying and selling of property without discriminatory practices – adhering to all Federal, State and other local laws.

Currently, in 2019, in Tulare various firms and agencies that rent and manage properties are well aware of and promote fair housing. For example, the all Housing Authority of the County of Tulare staff members shall adhere to a fair housing policy, which is to: Obey all applicable federal, state and local fair housing laws; refrain from discrimination regarding any application for housing on the basis of race, color, religion, sex, age, source of income, marital or familial status, national origin, or physical or mental disability (applicants must have capacity to execute a legal contract); and affirmatively promote fair housing. Governing laws shall include the provisions of Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241), Title VIII of the Civil Rights Act of 1968, and the Fair Housing Amendments of 1988, E. O. 11246, and the Equal Credit Opportunity Act of 1974, as they relate to the United States Department of Agriculture, Rural Development.

All advertising shall conform to Section 804(c) of Title VIII of the Civil Rights Act of 1968 [42 USC 3604(c)], as amended, which makes it unlawful to make, print or publish, or cause to be, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based upon race, color, religion, sex, source of income, national origin, physical or mental disability, or an intention to make such preference limitation or discrimination.

Furthermore, the Housing Authority of the County of Tulare is proactive in facilitating Fair Housing information and resources to the community. They make available fair housing information in



English and Spanish and have multiple links to other organizations involved in helping residents with fair housing issues.

Appraisals

Banks order appraisal reports to determine whether a property is worth the amount of the loan requested. Generally speaking, appraisals are based on the comparable sales of properties surrounding the neighborhood of the property being appraised. Other factors are taken into consideration, such as the age of the structure, any improvements made and location. Some neighborhoods with higher concentrations of minorities may appraise lower than like properties in neighborhoods with lower concentrations. Unfortunately, this practice is geared toward a neighborhood and not an applicant and therefore is not a direct violation of fair housing law that can easily be addressed. One effect of this practice, however, is that it tends to keep property values lower in a given neighborhood, thereby restricting the amount of equity and capital available to those residents. Individual appraisers are the ones making the decisions on the amounts, thus there is room for flexibility in the numbers. As appraisers are individually licensed, similar to real estate agents, they risk losing their license for unfair practices.

Sellers

A seller might not want to sell his/her house to certain purchasers based on classification biases protected by fair housing laws, or they may want to accept offers only from a preferred group. Often, sellers are home when agents show the properties to potential buyers and may develop certain biases based on this contact. Sellers must sign the Residential Listing Agreement and Seller's Advisory forms, which disclose that a seller understands fair housing laws and practices of nondiscrimination. Yet enforcement is difficult because a seller may have multiple offers and choose one based on a bias.

Covenants, Conditions and Restrictions

Covenants, Conditions and Restrictions (CC&Rs) in the past were used to exclude certain groups such as minorities from equal access to housing in a community. Today, the California Department of Real Estate reviews CC&Rs for all subdivisions of five or more lots, or condominiums of five or more units. This review is authorized by the Subdivided Lands Act and mandated by the Business Professions Code, Section 11000. The review includes a wide range of issues, including compliance with fair housing law. The review must be completed and approved before the Department of Real Estate will issue a final subdivision public report. This report is required before a real estate broker or anyone else can sell the units, and each prospective buyer must be issued a copy of the report. If the CC&Rs are not approved, the Department of Real Estate will issue a "deficiency notice," requiring the CC&Rs to be revised.

Communities with old subdivisions or condominium developments may still contain CC&Rs that do not comply with the fair housing laws. A typical example relates to occupancy standards, which an association may seek to enforce in order to oust a particular group or discriminate based on familial status or lack thereof. However, provisions in the CC&Rs that violate the fair housing laws



are not enforceable by the homeowner's association.⁷ No CC&Rs violations were discovered in the City of Tulare during the previous and current development of its fair housing document, the Analysis of Impediments to Fair Housing Choice.

Insurance

Insurance agents are provided with underwriting guidelines for the companies they work for to determine whether a company will sell insurance to a particular applicant. Currently, underwriting guidelines are not public information; however, consumers have begun to seek access to these underwriting guidelines in order to learn if certain companies have discriminatory policies. Some states are being more responsive than others to this demand and have recently begun to require that companies file their underwriting guidelines with the state department of insurance, which would then make the information public.

Many insurance companies have applied strict guidelines, such as not insuring older homes, that disproportionately affect lower-income and minority families that can only afford to buy in older neighborhoods. A California Department of Insurance (CDI) survey found that less than one percent of homeowners' insurance available in California is currently offered free from tight restrictions.⁸ CDI has also found that many urban areas are underserved by insurance agencies.

The California Organized Investment Network (COIN) is a collaboration of the California Department of Insurance, the insurance industry, community economic development organizations and community advocates. This collaboration was formed in 1996 at the request of the insurance industry as an alternative to state legislation that would have required insurance companies to invest in underserved communities, similar to the federal Community Reinvestment Act (CRA) that applies to the banking industry. COIN is a voluntary program that facilitates insurance industry investments to provide profitable returns to investors and economic and social benefits to underserved communities.

The California Fair Access to Insurance Requirements (FAIR) Plan was created by the legislature in 1968 after the brush fires and riots of the 1960s made it difficult for some people to purchase fire insurance due to hazards beyond their control. The FAIR Plan is designed to make property insurance more readily available to people who have difficulty obtaining it from private insurers because their property is considered "high risk."

⁷In 1985, the Davis-Sterling Common Interest Development Act (Civil Code § 1353-1378) was passed by the State of California. The Davis-Sterling Act contains all laws pertaining to Common Interest Developments (CIDs) and requires all CIDs to be managed by an association. Developers are required to create CC&Rs and bylaws, which are the governing documents that dictate how the association operates and what rules the owners—and their tenants and guests—must obey. The CC&Rs are legally enforceable by the association and individual owners, and nothing in the CC&Rs can take precedence over federal, state or local laws.

⁸Homeowners Premium Survey. (2010, February 8). California Department of Insurance. Section 12959 of the California Insurance Code requires the commissioner to publish and distribute a comparison of insurance rates report for those lines of insurance that are of most interest to individual purchasers of personal lines of coverage.



Credit and FICO Scores

Credit history is one of the most important factors in obtaining a home purchase loan. Credit scores determine loan approval, interest rates associated with the loan and the type of loan an applicant will be given. Applicants with high credit scores are generally given conventional loans, whereas those with lower and moderate range scores often use government-backed loans or subprime loans. Applicants with lower scores also receive higher interest rates on the loans as a result of being perceived as a higher risk to the lender and may even be required to pay points depending on the type of lending institution used.

Fair Isaac and Company (FICO), which is the company used by the Experian (formerly TRW) credit bureau to calculate credit scores, has set the standard for the scoring of credit history. TransUnion and Equifax are two other credit bureaus that also provide credit scores, though they are typically used to a lesser degree.

In short, points are awarded or deducted based on certain items such as how long one has had credit cards, whether one makes payments on time and if credit balances are near the maximum. Typically, the scores range from the 300s to around 850, with higher scores demonstrating lower risk. Lower credit scores require a more thorough review than higher scores, and mortgage lenders will often not even consider a score below 600.

FICO scores became more heavily relied on by lenders when studies showed that borrowers with scores above 680 almost always make payments on time, whereas borrowers with scores below 600 seemed fairly certain to develop problems. Credit scores also made it easier to develop computer programs (electronic underwriting) that can make a “yes” decision for loans that should obviously be approved. Some of the factors that affect a FICO score are as follows:

- Delinquencies
- New accounts (opened within the last 12 months)
- Length of credit history (a longer history of established credit is better than a short history)
- Balances on revolving credit accounts
- Public records, such as tax liens, judgments or bankruptcies
- Credit card balances
- Number of inquiries
- Number and types of revolving accounts



National Association of Realtors

The National Association of Realtors NAR has developed a Fair Housing Program to provide resources and guidance to Realtors in ensuring equal professional services for all people. The term *Realtor* identifies a licensed professional in real estate who is a member of the NAR, however, not all licensed real estate brokers and salespersons are members of the NAR. It is a standard practice in Tulare that all agents commit to adhere to the code of ethics, as described below:

Code of Ethics. Article 10 of the NAR Code of Ethics provides that “Realtors shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. Realtors shall not be a party to any plan or agreement to discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, or national origin.” A Realtor pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations on realtors and is a firm statement of support for equal opportunity in housing. A realtor who suspects discrimination is instructed to call the local Board of Realtors. Local Boards of Realtors will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards of Realtors have a responsibility to enforce the Code of Ethics through professional standards, procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

In addition, Standard of Practice Article 10-1 states that “REALTORS® shall not volunteer information regarding the racial, religious, or ethnic composition of any neighborhood and shall not engage in any activity which may result in panic selling. REALTORS® shall not print, display, or circulate any statement or advertisement with respect to the selling or renting of a property that indicates any preference, limitations, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin.”

Realtor Fair Housing Declaration. In accordance with the Code of Ethics, each Realtor signs the following pledge, developed in 1996 as a result of the HUD-NAR agreement.

The Realtor agrees to:

- Provide equal professional service without regard to race, color, religion, sex, handicap, familial status, or national origin of any prospective client, customer, or of the residents of any community.
- Keep informed about fair housing law and practices, improving clients’ and customers’ opportunities and his/her business.
- Develop advertising that indicates that everyone is welcome and no one is excluded, expanding his/her client’s and customer’s opportunities to see, buy or lease property.
- Inform clients and customers about their rights and responsibilities under the Fair Housing Laws by providing brochures and other information.
- Document efforts to provide professional service, which will assist him/her in becoming a more responsive and successful Realtor.



- Refuse to tolerate non-compliance.
- Learn about those who are different and celebrate those differences.
- Take a positive approach to fair housing practices and aspire to follow the spirit, as well as the letter, of the law.
- Develop and implement fair housing practices for his/her firm to carry out the spirit of this declaration.

California Association of Realtors (CAR)

The California Association of Realtors (CAR) is a trade association of 92,000 Realtors statewide. As members of this organization, Realtors subscribe to a strict code of ethics as noted above. The CAR recently created the position of equal opportunity/cultural diversity coordinator. The CAR holds three meetings per year for its general membership, and the meetings typically include sessions on fair housing issues.

Realtor Associations Serving Tulare. Realtor Associations are generally the first line of contact for real estate agents who need continuing education courses, legal forms, career development and other daily work necessities. The frequency and availability of courses varies among these associations, and local association membership is generally determined by the location of the broker for which an agent works.

Complaints involving agents or brokers may be filed with these associations. The monitoring of services by these associations is difficult as statistics on the education/services that the agencies provide or statistical information pertaining to the members is rarely available.

Tulare County Association of REALTORS®
6713 and 2424 E. Valley Oaks Dr.
Visalia, CA 93292
Phone: (559) 627-1776

California Department of Real Estate (DRE)

The California Department of Real Estate (DRE) is the licensing authority for real estate brokers and salespersons. As noted earlier, not all licensed brokers and salespersons are members of the national or California Association of Realtors.

DRE has adopted education requirements that include courses in ethics and fair housing. To renew a real estate license, each licensee is required to complete 45 hours of continuing education, including three hours in each of four mandated areas: Agency, Ethics, Trust Fund and Fair Housing. The fair housing course contains information that will enable an agent to identify and avoid discriminatory practices when providing real estate services to clients.



On or after January 1, 1996, a real estate salesperson renewing his/her license for the first time must complete separate three-hour courses in Agency, Ethics, Trust Fund Handling and Fair Housing to qualify for renewal. All licensees, with the exception of those renewing for the first time, are required to complete a full 45 hours of continuing education for each license renewal.

For the initial renewal on or after January 1, 1996, the law requires, as part of the 45 hours of continuing education, completion of four mandatory three-hour courses in Agency, Ethics, Trust Fund Handling and Fair Housing. These licensees will also be required to complete a minimum of 18 additional hours of courses related to consumer protection. The remaining hours required to fulfill the 45 hours of continuing education, may be related to either customer service or consumer protection, at the option of the licensee.

The DRE requires all licensees to provide proof of continuing education courses with the following two exceptions:

1. An applicant provides proof that he/she is 70 years of age or older.
2. An applicant provides proof that he/she has been licensed for 30 consecutive years.

Fair Housing Practices in the Rental Housing Market

Similar to the homeownership market, a major challenge to ensuring fair housing in the rental market is the complexity of the process. There are several stages in the process of renting a home or apartment: 1) the advertising and outreach stage, 2) pre-application inquiries and responses, 3) the criteria for acceptance, 4) the lease and 5) administration of the lease. This section discusses these phases of the rental process. Although a potential homebuyer might face discriminatory practices primarily during the process of purchasing a home, a renter could confront housing discrimination not only during the process of renting but also throughout the tenancy.

The Apartment Rental Process

Although the process of renting an apartment may be less expensive and burdensome up-front than the home-buying process, it may still be just as time-consuming. Potential renters might still face discrimination during the various stages of the rental process.

Advertising. Like finding a home to purchase, the main sources of information are the classified advertisements in local newspapers, word of mouth, signs, apartment guides, the Internet and apartment brokers. The same types of discriminatory language previously described under the Homeownership Process may be used by landlords or apartment managers to exclude “undesirable elements.”

A particularly difficult situation to address is the development of small apartment complexes by property owners who may be new to the rental housing industry. Compliance with fair housing laws is difficult to monitor among the small property owners. Outreach to this group is also



difficult because many of these owners may not belong to the Apartment Owners or Apartment Managers associations, or do not actively participate in events/trainings offered by these associations. Advertising by small property owners may not always comply with the fair housing laws. For example, rental ads in local Spanish-language newspapers do not always appear in the English-language newspapers, as required by law.

Viewing the Unit. Viewing the unit is the most obvious place where potential renters could encounter discrimination because landlords or managers might discriminate based on race or disability, or judge on appearance whether a potential renter is reliable or might violate any of the rules. For example, there have been cases where a manager tried to deter a family by indicating strict occupancy standards or frowning on the presence of young children accompanying a viewer. Furthermore, discrimination against families with children and people with disabilities is even more prevalent than racial discrimination.

Credit/Income Check. Landlords may ask potential renters to provide credit references, lists of previous addresses and landlords, and employment history/salary. At a public meeting in Tulare, the difficulty of meeting current income levels (three times the rent) was expressed as being a big problem in Tulare, because the lack of available rental housing units. (Requiring certain income levels may not be in and of itself discriminatory, unless it is tied with something else that is against the law.) The criteria for tenant selection, if any, are typically not known to those seeking to rent. Many landlords often use credit history as an excuse when trying to exclude certain groups. Recent legislation provides for applicants to receive a copy of the report used to evaluate applications. In addition, applicants may also request a copy of their credit report (for a fee) to verify that the information used to approve/deny their application is accurate.

Lease. Most apartments are rented under either a lease agreement or a month-to-month rental agreement. A lease is favorable from a tenant's point of view for two reasons: the tenant is assured the right to live there for a specific period of time and the tenant has an established rent during that period. Most other provisions of a lease protect the landlord. Information written in a lease or rental agreement includes the rental rate, required deposit, length of occupancy, apartment rules and termination requirements.

In a tight housing market, when a landlord can "financially afford" to choose tenants, the tendency is to offer shorter lease terms. In this case, a landlord might simply ask the "not-so-desirable" tenant to leave with a 60-day Notice to Vacate. Short-term leases also allow the landlord to raise rent more frequently.

Typically, the lease or rental agreement is a standard form completed for all units within the same building. However, the enforcement of the rules contained in the lease or agreement might not be standard for all tenants. A landlord might act in a discriminatory way and choose strict enforcement of the rules for certain tenants based on arbitrary factors, such as race, presence of children or disability. Because of the recent escalation of housing prices throughout California, complaints regarding tenant harassment through strict enforcement of lease agreements as a means of evicting tenants have increased.



Security Deposit. A security deposit is typically required to rent a housing unit. To deter “less-than-desirable” tenants, a landlord might ask for a security deposit higher than usual. Tenants could also face differential treatment when vacating the units. The landlord might choose to return a smaller portion of the security deposit to some tenants, claiming excessive wear and tear. A landlord might require that persons with disabilities with service animals pay an additional pet rent, a monthly surcharge for pets or a deposit, which is also a discriminatory act.⁹

During the Tenancy. During tenancy, the most common forms of discrimination a tenant could face are based on familial status, race, national origin, sex or disability. Usually these types of discrimination appear in differential enforcement of rules, overly strict rules for children, excessive occupancy standards, and refusal to make a reasonable accommodation for handicapped access, refusal to make necessary repairs, eviction, notices, illegal entry, rent increases or harassment. These actions may be used as a way to force undesirable tenants to move on their own without the landlord having to make an eviction.

Apartment Association. The California Apartment Association (CAA) is the country’s largest statewide trade association for rental property owners and managers. The CAA was incorporated in 1941 to serve rental property owners and managers throughout California. The CAA represents rental housing owners and professionals who manage more than 1.5 million rental units. Under the umbrella agency, various apartment associations cover specific geographic areas.

The CAA has developed the California Certified Residential Manager (CCRM) program to provide a comprehensive series of courses geared toward improving the approach, attitude and professional skills of onsite property managers and other interested individuals. The CCRM program consists of 31.5 hours of instruction that includes training on fair housing and ethics issues.

The CAA supports the intent of all local, state and federal fair housing laws for all residents without regard to color, race, religion, sex, marital status, mental or physical disability, age, familial status, sexual orientation or national origin. Members of the CAA agree to abide by the following provisions of the organization’s Code for Equal Housing Opportunity:

- *We agree that in the rental, lease, sale, purchase, or exchange of real property, owners and their employees have the responsibility to offer housing accommodations to all persons on an equal basis;*
- *We agree to set and implement fair and reasonable rental housing rules and guidelines and will provide equal and consistent services throughout our residents’ tenancy;*
- *We agree that we have no right or responsibility to volunteer information regarding the racial, creed, or ethnic composition of any neighborhood, and we do not engage in any behavior or action that would result in steering; and*

⁹Okeon, M.R. (2008, January 21). “Keeping the House in Order: Watchdog Organization Has Fought Discrimination for Three Decades.” *Pasadena Star-News*.



- *We agree not to print, display, or circulate any statement or advertisement that indicates any preference, limitations, or discrimination in the rental or sale of housing.*

The Tulare County Association of Realtors® serves the City of Tulare. The association provides members with information and training on such topics as ethics, credit checks, addressing code enforcement violations, property management and pre-inspection.

Fair Housing Services

In general, fair housing services include investigating and resolving housing discrimination complaints, discrimination auditing and testing, education and outreach, such as disseminating fair housing information through written material, workshops and seminars. Landlord/tenant counseling services involve informing landlords and tenants of their rights and responsibilities under fair housing law and other consumer protection legislation and mediating disputes between landlords and tenants.

Fair Housing Program—City of Tulare

The City of Tulare provides a variety of fair housing resources to its residents. Some of these resources are provided at the City, while others are available to residents from other service providers, as listed below.

- City of Tulare Homeless Resources
- Supportive Housing
Family Services of Tulare County at (559) 741-7310
Website: <http://www.fstc.net/>
- Section 8 Housing Choice Voucher: Residents that want to apply for rental assistance may contact:
Housing Authority of Tulare County at (559) 627-3700 ext. 125
Website: <http://www.hatc.net/section-8.php>
- Fair Housing Act:

"Title 8 of the Civil Rights Act of 1968, together with the Fair Housing Amendments Act of 1988, is called the federal Fair Housing Act.

Under the Fair Housing Act, it is illegal to discriminate based on race, color, religion, national origin, sex, marital status, the number and presence of children, age, or physical handicap. Examples of discrimination are: falsely denying that housing is available, discriminatory advertising, refusal to rent or sell, and discrimination in the terms of a lease or rental agreement.



No person has the right to prevent another from renting or buying because of race, color, religion, sex, or national origin. Anybody who does is discrimination, which is against the law. This applies to the sale or rental, the advertising for sale or rental, and the financing of housing or residential lots. In addition, no real estate broker can refuse to assist you for the above reasons.”

- California Department of Fair Employment and Housing: Any person who feels that they are being discriminated against, should file a complaint with the State Department of Fair Employment and Housing (DFEH) at www.dfeh.ca.gov or by calling 1-800-884-1684, or by e-mailing contact.center@dfeh.ca.gov DFEH responds to e-mails within 2 business days. For persons with hearing impairment, call 1-800-884-1684 or TTY 1-800-700-2320.

The California Department of Fair Employment and Housing has two regional offices:

- Fresno: 1277 E. Alluvial Ave., Ste. 215, Fresno, CA 93720
- Bakersfield: 4800 Stockdale Highway, Ste. 215, Bakersfield, CA 93309

- California Fair Employment and Housing Act: In addition to the federal Fair Housing Act, California has its own Fair Employment and Housing Act which provides additional protections from discrimination in housing and employment. A large number of topics are available at: http://www.dfeh.ca.gov/Publications_FEHADescr.htm
- The California Department of Consumer Affairs: The California Department of Consumer Affairs maintains an on-line library of information related to landlord/tenant issues at: www.dca.ca.gov/publications/landlordbook/index.shtml

The Department can be reached by telephone at: 1-800-952-5210

- Fair Housing Council of Central California: Residents of the Central Valley who believe they have been subjected to illegal discrimination in the housing market may contact the Fair Housing Council at:

The Fair Housing Council
333 W. Shaw Ave., Suite 14
Fresno, CA 93704
Phone: 559-244-2950
FAX: 559-244-2956
Toll Free: 888-498-3247
Website: <http://www.fhc-cc.org/contact-us.html>

- Central California Legal Services: Central California Legal Services maintains an office in downtown Visalia at 208 W. Main St., Ste. U1, Visalia, CA 93291. Their phone number is: 559-570-1200 or 800-675-8001 and their website is: <http://www.centralcallegal.org>
- The Kings-Tulare Area Agency on Aging (KTA AAA): The Kings-Tulare Area Agency on Aging, www.ktaaa.org assists with landlord/tenant issues related to the elderly. Their telephone number is 1-800-321-2462.



- The Housing Authority of Tulare County: The Housing Authority of Tulare County has two downloadable 'Fair Housing' brochures available in English and Spanish on their website at <http://www.hatc.net/fair-housing.php>. Titles are: "Fair Housing, Equal Opportunity for All" and "Are You a Victim of Housing Discrimination?"

Training, Education and Outreach

During the AI - ConPlan Cycle 2020-2024 the following Fair Housing Activities were performed: community outreach (three public meetings/workshops at Tulare Library, Tulare Chamber of Commerce and Roosevelt Elementary School), on-line surveys to residents and service providers, regarding fair housing and other related topics. The Fair Housing Council of Central California is the primary agency handling fair housing complaints filed by Tulare residents. The following analysis summarizes the results of fair housing services provided in Tulare and evaluates the nature and extent of fair housing in the City. **Table 5-1** displays the number and type of fair housing inquiries and complaints from 2015 to July 2019.¹⁰

¹⁰These dates represent the earliest and latest availability of fair housing data after the 2015 Analysis of Impediments.



Table 5-1
Housing Discrimination Complaints - City of Tulare (2015-2019)

Category	2015		2016		2017		2018		2019	
	Tot	%	Tot	%	Tot	%	Tot	%	Tot.	%
Gender										
Male	1	33%	-	0%	-	0%	2	29%	1	100%
Female	2	67%	2	100%	4	100%	5	71%	-	0%
Total	3	100%	2	100%	4	100%	7	100%	1	100%
Race - Ethnicity										
Caucasian	1	33%			2	50%	2	29%		
Hispanic or Latino	1	33%	2	100%			3	43%	1	100%
African American	1	33%					1	14%		
Asian - Pacific Islander					2	50%	1	14%		
Other										
Total	3	100%	2	100%	4	100%	7	100%	1	100%
Referrals										
HUD										
SMCLAIMS										
DFEH										
SAFETY	2	40%	1	50%	2	50%				
LEGAL	2	40%	1	50%	2	50%	6	86%	1	100%
INTAKE	1	20%					1	14%		
Total	5	100%	2	100%	4	100%	7	100%	1	100%
City										
Tulare - 93274	3	100%	2	100%	4	100%	7	100%	1	100%
Tulare - 93275										
Total	3	100%	2	100%	4	100%	7	100%	1	100%

Sources: Fair Housing Council of Central California, July 2019

As presented in **Table 5-1**, there have been a relatively small number of discrimination complaints and inquiries in the City of Tulare during the 2015 to July 2019 time period. During this period a total of 17 complaints have been tabulated. The most were in 2018, with seven inquiries, and so far, this year has produced one complaint. The majority of the complaints have been filed by women (13) compared to men with just four (4) complaints. The race/ethnicity of the residents filing complaints has been primarily Hispanic (7), followed by Caucasian (5), African American (4) and one Asian. The great majority of the complaints have been referrals from legal entities, with just two people calling in to the fair housing office to file a complaint. Perhaps, additional outreach



of the types of services offered by the fair housing office may help residents be aware of these types of issues, and know where to go, in case of facing discriminatory actions.

Fair Housing Outreach Meetings

Three public workshops were held in Tulare, in order to obtain input from residents and stakeholders on housing and other issues. A major effort was completed to invite City residents to attend these workshops. The meetings were publicized in English and Spanish in the Tulare Advance Register, Visalia Times Delta and posted on the City's website. The English and Spanish public notice was also sent in the July 2019 water bill to over 19,000 households within the City. Public notices were also posted at City Hall, the Tulare Public Library, the Senior Community Center, the Chamber of Commerce and the Claude Meitzenheimer Community Center. For the convenience of City residents, the three were held at different parts of the community, which included: July 2, 2019 (Tulare Public Library), July 11, 2019 (Tulare Chamber of Commerce) and July 17, 2019 (Roosevelt Elementary School).

Specifically, the purpose of the public meetings was to obtain input for this subject Analysis of Impediments to Fair Housing Choice document, and also for the City's Consolidated Plan (2020-2024). A portion of the workshop was spent giving attendees information regarding housing discrimination. And, at all three public meetings, attendees were asked if any of them they had faced housing discrimination. The results were that none of the attendees mentioned a personal experience that qualified under the definition of housing discrimination.

At one meeting, one attendee mentioned that the income requirements that some property management companies had required of him was discriminatory. (These firms were asking for income to be three times asking rent.) In and of itself, these types of rental requirements are not discriminatory, unless they are combined with another one that is under Federal, State and other laws. At another workshop, a person mentioned that - perhaps residents of Tulare had been discriminated against, and, that they either did not know why owners denied them housing, or did not know that the actions were discriminatory. All attendees were provided with information, regarding where to report housing discrimination, if they were of it occurring.

Fair Housing Survey

A Fair Housing Survey was available for residents to provide feedback on their fair housing experiences and the importance of a variety of services. The survey was available at City Hall and online through the City's website. The survey was available in English and Spanish.

A total of 29 surveys were completed on-line, or in paper version and were returned to the City. A copy of the survey and survey results are attached as **Appendix B**. The surveys represent a small sample size; thus, no City-wide conclusions can be drawn from the survey results. However, the City of Tulare perceives the results of the survey as valuable insight in enhancing its housing programs and services.



The first question was designed to determine perceived housing discrimination for survey respondents. There were 4 persons (14.3%) - out of 28 who answered this question – that felt that they had encountered housing discrimination. Of those survey respondents that had experienced housing discrimination, 31 percent reported “discouraging a person from living where he/she wants to live. Steering him/her to another apartment, complex or neighborhood as the reason for discrimination against them.

The same survey also asked respondents if they felt that they were well informed about the issue of housing discrimination. Approximately 73 percent responded either yes or somewhat. On the other hand, 7.7 percent felt that they were not well informed at all. It is apparent that more and more people are aware of the issue of housing discrimination.

The survey also indicated that 88.5 percent of respondents would report an experience with housing discrimination, while no one - 0 percent of the survey respondents – said they would ignore discrimination.

Only 12.5 percent of respondents did not know where to report housing discrimination, with the great majority – 75 percent would take their complaints to the City of Tulare. Although many respondents said they would report housing discrimination to the City, however, this response may have been skewed due to the City’s administration of the survey – on its website. Therefore, it is likely that the respondents’ lack of knowledge as to where to report housing discrimination may be higher.

When survey respondents were asked to address the types of discrimination they believe are occurring, the following issues were listed:

- One respondent said that owners were being taken advantage of by renters, because some renters were staying on the property when asked to leave, or not paying rent, abusing rental contract or “working the system”. Although the respondent may think that this is discrimination, it is not discrimination – per legal definitions.
- Another respondent said that there was not enough affordable housing.
- Two respondents said there was discrimination against homeless persons.
- Three respondents brought up income and credit related issues, as discriminatory situations, though by itself, these income-related issues are not within the definition of discrimination.
- One respondent identified race.



6. Conclusions, Impediments and Actions

The 2020-2024 Tulare AI evaluates a wide range of housing issues and potential barriers to fair housing. The following section builds upon this analysis, outlines conclusions, and provides recommendations for the City and its community partners to address identified impediments to fair housing choice. Also, this chapter summarizes private and public sector impediments identified in the prior 2015 AI for the City of Tulare, and the progress in implementing actions to address these impediments. The continued existence of some of these past impediments, along with the appropriateness of identified actions to be carried forward in Tulare’s 2020-2024 AI are also evaluated.

Summary of Conclusions/Findings

The following summarizes the key findings from the AI:

Community Profile

- In 2017, just over 27 percent of the City’s population was 14 years of age or under and nine percent was 65 years and over. These two age groups are an indicator of the reliance of **children and senior citizens** on the working age population, also known in economics as the dependency ratio. Lower the dependency ratio, the lesser the “burden” is on a community’s working age residents. Tulare’s dependency ratio is 0.57 as compared to a countywide of 0.59, and thus, faces a slightly lesser burden on working age residents.
- The **Hispanic ethnic population** represents 61 percent of the City’s total population. All minority groups in the City account for over three-quarters of the City total population.
- The majority (55%) of Tulare households spoke only English, with Spanish being the second highest spoken language.
- The **Section 8 Housing Voucher Program** administered by the Housing Authority of the Tulare County (HATC) assisted 388 low-income renters living in the City of Tulare.
- **Seniors** (age 65+) represent 9.1 percent of Tulare’s population. Some of the characteristics of elderly residents included: limited mobility; increased medical attention due to health complications; and, restricted fixed income, such as Social Security, pension programs and retirement income. Many elderly people also have difficulty completing normal, everyday tasks without assistance. The 2013-2017 ACS data estimate that approximately half of the Tulare’s elderly had ambulatory difficulty, which is the highest percentage of the six disability categories classified by the U.S.
- The number of Tulare residents age 18 and older with some type of **disability** totaled about 13 percent of the City’s total population of the same age group. The top three disabilities among persons age five and older include those with ambulatory difficulty, independent



living difficulty, and cognitive difficulty. It was estimated that approximately half of the City's elderly population had ambulatory difficulty.

- Approximately 43 percent of the homes in Tulare are about 40 years and older. In general, homes built more than 30 years ago are likely to require structural renovation and increased maintenance, resulting in greater costs for the owner. **Older homes** can also create health and safety problems for occupants, as many deteriorated structures often do not meet current building code standards and lack safety features such as fire suppression, home security devices, and seismic safety retrofits. In addition, there are greater lead-based paint related health risks.
- The **2019 Point-In-Time Homeless Count** reported there were 146 unsheltered homeless individuals counted in the City of Tulare. Almost 77 percent of homeless person were White and about 43 percent Hispanic. (The Hispanic category is considered an ethnicity by the Census Bureau, not a race. Thus, many of the homeless Hispanics were in the White race category.) There were four homeless families with children in Tulare.
- The average household size in Tulare was 3.39 very close to the 3.41 countywide figure. About 21.4 percent of the City's households were considered **large households** (5 or more persons per household). Large households are a special needs group because of the lack of available affordable housing of adequate size. To save for necessities such as food, clothing, transportation, and medical care, lower- and moderate-income large households may reside in smaller units, resulting in overcrowding.
- **Overcrowding** (defined as more than one person per room) occurred in 8.3 percent of the City's total occupied units and severe overcrowding (more than 1.5 persons per room) occurred in 2.2 percent of the total occupied units. More overcrowding occurred in rental units than owner-occupied units. This indicates the need for larger rental units and/or more rental subsidies to allow large households to afford adequately sized units.
- The most prevalent housing problem facing Tulare households was **overpayment on housing cost**. A household is considered to be overpaying for housing if housing costs (rent plus utilities) make up more than 30 percent of the household's gross monthly income. Overpaying occurred with 36 percent of the total occupied units. Renter households tended to overpay more for housing than owners occupied households.

Fair Housing Profile

- Regarding **fair housing education and outreach** the City of Tulare has partnered with Self-Help Enterprises ("SHE") to administer the City's HOME program since 2015. SHE conducts outreach and education sessions to the citizens of the City of Tulare relating to fair housing.
- In addition, the City of Tulare has a link to relevant organizations and education materials on website relating to fair housing and affirmatively furthering fair housing. The Housing Authority of Tulare County (HATC) provides outreach in the community as well. Currently, the TCHA has an affordable housing development under construction within the City of Tulare. Other **fair housing education and outreach** to housing providers and owners is



provided through the Fair Housing Council of Central County (FHC-CC), the California, the California Department of Fair Employment and Housing, the California Department of Consumer Affairs, California Legal Services, The Kings-Tulare Area Agency on Aging (KTAAA), and for properties with Section 8 rent vouchers (HATC). Given the characteristics of Tulare’s apartment stock as predominately older and in smaller complexes, a large segment of the City’s rentals are not managed by professional management companies and small “mom and pop” managers may not be trained in fair housing laws. As small property managers/owners are typically the primary violators of fair housing laws, targeted outreach to this group remains important.

- In the City of Tulare over the past five years (2015-2019) there have been a total of 17 complaints. The most were in 2018, with seven inquiries, and just this current year. The complaints have been filed primarily by Hispanics (7), followed by Caucasian (5), African Americans (4) and one Asian person (1). It will be important to monitor discrimination complaints in the City over time to more fully assess patterns and to appropriately tailor outreach.
- The City partners with local organizations - such as Kings Rehabilitation and AmVets – in order to disseminate information on State, County and local programs. These programs are also promoted on the City’s website to interested homebuyers, realtors and lenders.

Public Sector Impediments

- Regarding **reasonable accommodation** - on March 14, 2016, a public hearing was held before the Tulare Planning Commission to recommend adoption of Ordinance 16-06 regarding Zone Amendment 711 adding Chapter 10.218 (Reasonable Accommodation) establishing policies and procedures for implementation of the Federal Fair Housing Act and California Fair Employment and Housing Act. A public hearing before City Council was held on April 27, 2016 for the adoption of same.
- Last year, the City’s Housing Element was “Conditionally Compliant” by HCD, as shown on HCD’s website. Tulare has completed all of the tasks recommended by HCD and is in the process reviewing latest City documents and in process of being in full compliance.
- Providing development opportunities for a **variety of housing types** helps to address the diverse range of housing needs present in a community. Senior citizens, persons with disabilities, veterans, and persons suffering from homelessness, among others, may require non-traditional housing types. As required under state and federal law, Tulare’s Zoning Code needs to facilitate the following types of housing: residential care facilities, SROs, transitional and supportive housing, emergency homeless shelters, and farm worker/employee housing.
- Based on the limited data available, there is not sufficient housing for households at lower income levels in Tulare. According to 2011-2015 CHAS data from HUD, there were 1,165 renter households making 30 percent HAMFI or less, but only 314 units affordable to a household at the 30 percent level. Also, according to CHAS data, there were 1,435 households making between 30 and 50 percent HAMFI, with only 1,309 units affordable



to a household at the 50 percent level. Additionally, the fact that a housing unit is affordable to a particular income level, does not necessarily mean that it is occupied by a household at that income level, meaning that the affordability mismatch is very likely more severe than reported in the data. Local tools including **inclusionary zoning and density bonuses** can be used to facilitate the production of units affordable to low- and moderate-income households, and further goals for economic integration.

Private Sector Impediments

- The **approval rate for home purchase loans** in Tulare in 2017 was 88.6% and the denial rate was 8.1%. The other loans that were approved by the lending institutions (3.4%) were rejected by applicants.
- **Mortgage loan denial rates** in Tulare varied by race/ethnicity. In 2017, 52 home purchase loans (6.8%) to White applicants were denied. This figure has declined from the 2013 figure of 11.9%. Hispanic applicants had a denial rate of 6.9% in 2017. This figure has also dropped from the 13.6 denial rate in 2013. Asian applicants had 3 of 30 loans denied in 2017. On the other hand, African American applicants had 4 of 16 loans denied in 2017 (25%). In 2013, the denial rate of African Americans was 11.2%. For the most part, denial rates have dropped in the past four years, except for African Americans. Though, the number of loans (4) may be a small sample size, it is an item that the City should keep on reviewing and assessing each year.
- **Realtors and Property Managers** did not provide any information on discriminatory practices in Tulare.
- **City Staff** that has extensive contact with residents of Tulare, in departments such as City Planning, Development Services, Community & Economic Development Department, Engineering, Building and Safety, and Police were not aware of any discriminatory practices in Tulare. They had not received complaints from residents.



Recommended Actions to Address Impediments

The preceding sections of the AI have reviewed background information, analyzed lending data, assessed fair housing services, and provided findings of potential impediments in the City. This section reviews the progress in implementing action programs identified in the previous 2015 Tulare AI. In addition, this AI set forth the City’s actions to provide access to fair housing for all Tulare residents.

Review of the 2015 AI Actions and Proposed 2020-2024 Actions

This section reviews the City’s progress in implementing action programs identified in the 2015 AI and determines the appropriateness of continuing the actions in during the 2020-2024 period. The following **Table 6-1** presents the City’s implementation of the 2015 AI actions and shows a timeframe to address the impediments.



**Table 6-1
Status of the 2020 Tulare AI Actions**

Actions Identified in the 2015 AI	Time Frame	Current Status	Proposed Action in the 2020 AI
I. Private Sector Impediments			
1. Discrimination against disabled and familial status			
Action 1.1: Conduct outreach and education to city residents relating to fair housing policy, highlighting discriminatory practices based on disability and familial status.	Ongoing	The City continues to partner with local organizations such as Family Services of Tulare County and Kings/Tulare Homeless Alliance on the dissemination of information on State, County and local programs is promoted on the City’s website to interested homebuyers, realtors and lenders.	The City will continue with Action 1.1.
2. Reasonable Modification or accommodation			
Action 2.1: Conduct outreach and education to housing providers, including owners and property managers, relating to the reasonable modification and accommodation requirements under the FHA.	Ongoing	On March 14, 2016, a public hearing was held before the Tulare Planning Commission to recommend adoption of Ordinance 16-06 regarding Zone Amendment 711 adding Chapter 10.218 (Reasonable Accommodation) establishing policies and procedures for implementation of the Federal Fair Housing Act and California Fair Employment and Housing Act. A public hearing before City Council was held on April 27, 2016 for the adoption of Ordinance 16-06	The City complied with State Law, adopting the Reasonable Accommodation law, and will continue with outreach work, as specified in Action 2.1.



**Table 6-1 (Cont.)
Status of the 2020 Tulare AI Actions**

Actions Identified in the 2015 AI	Time Frame	Current Status	Proposed Action in the 2020 AI
3. Racial and ethnic minority denial rates of home purchase loans			
Action 3.1: Conduct outreach and education relating to home purchase lending, focusing on strategies for building and maintaining good credit.	Ongoing	Analyzed HMDA data / and denial rates for Hispanics and Asians have improved. African American groups denial rates higher than population percentages.	The City will continue with Action 3.1.
4. Lack of Understanding of fair housing laws and policies			
Action 4.1: Conduct outreach and education to city residents and property owners and managers relating to fair housing and the duty to affirmatively further fair housing.	Ongoing	The City of Tulare has partnered with Self-Help Enterprises to administer the City's HOME program since 2015. SHE conducts outreach and education sessions to the citizens of the City of Tulare relating to fair housing. In addition, the City of Tulare has a link to relevant organizations and education materials on website relating to fair housing and affirmatively furthering fair housing. Housing Authority of Tulare County provides outreach in the community as well. Currently, the HATC has an affordable housing development under construction within the City of Tulare	The City will continue with Action 4.1.



Table 6-1 (Continued)
Status of the 2020 Tulare AI Actions

Actions Identified in the 2015 AI	Time Frame	Current Status	Proposed Action in the 2020 AI
<p>Action 4.2: Enhance fair housing education and outreach activities annually during Fair Housing Month (April). Highlight fair housing, and issues relating to fair housing, through print- and web-based marketing.</p>	<p>Ongoing</p>	<p>The City of Tulare has partnered with Self-Help Enterprises to administer the City's HOME program since 2015. SHE conducts outreach and education sessions to the citizens of the City of Tulare relating to fair housing. In addition, the City of Tulare has a link to relevant organizations and education materials on website relating to fair housing and affirmatively furthering fair housing. Housing Authority of Tulare County provides outreach in the community as well. Currently, the TCHA has an affordable housing development under construction within the City of Tulare.</p>	<p>The City will continue with Action 4.2.</p>
<p>Action 4.3: Update the city's website to include a discussion of the state Fair Employment and Housing Act (FEHA), all of the classes protected under the federal Fair Housing Act and the FEHA, and the agencies and organizations that are available to help city residents who believe that they have suffered discrimination in the housing market.</p>	<p>Ongoing</p>	<p>The City of Tulare's Community & Economic Development Department/Housing & CDBG Division manages the department's website and updates it regularly with relevant FEHA information as needed.</p>	<p>The City will continue with Action 4.3.</p>
<p>II. Public Sector Impediments</p>			
<p>1. Lack of understanding of fair housing laws and policies</p>			
<p>Action 3.1: Conduct annual training sessions for city officials and policy makers relating to fair housing and the duty to affirmatively further fair housing.</p>	<p>Ongoing</p>	<p>No sessions have been held to date. However, City staff is preparing to present to City Council recommendations for a housing program utilizing Housing Successor Agency funding, which will include information on FEHA.</p>	<p>The City will continue with Action 3.1.</p>



**Table 6-1 (Continued)
Status of the 2020 Tulare AI Actions**

Actions Identified in the 2015 AI	Time Frame	Current Status	Proposed Action in the 2020 AI
<p>Action 4.3: Update the city’s website to include a discussion of the state Fair Employment and Housing Act (FEHA), all of the classes protected under the federal Fair Housing Act and the FEHA, and the agencies and organizations that are available to help city residents who believe that they have suffered discrimination in the housing market.</p>	<p>Ongoing</p>	<p>The City of Tulare's Community & Economic Development Department/ Housing & CDBG Division manages the Department’s website and updates it regularly with relevant FEHA information as needed.</p>	<p>The City will continue with Action 4.3.</p>
<p>2. Improve mobility of residents</p>			
<p>Action 2.1: Support projects to improve the mobility of residents that are concentrated in areas of poverty impeded by railroad tracks that separate the two halves of the City.</p>	<p>Ongoing</p>	<p>Since 2015, the City has spent completed six (6) projects, with a total cost of \$40.9 million, that have improved mobility and connectivity in the vicinity of the railroad tracks for improved connectivity throughout the west side of the City. Two of these key projects include: (1) Bardsley Ave. Grade Separation – Vehicle and Pedestrian Underpass - Completed in 2016; Total Cost: \$20.5 million, and (2) Santa Fe Trail Grade Separation – Pedestrian Overcrossing – Completed in 2017; Total Cost: \$8 million. In addition, there are four (4) projects, with a total cost of \$22.2 million, which are planned within the next few years that will improve the mobility and connectivity of City residents. Half of all these projects have or will be been funded, in part, with CDBG funds.</p>	<p>The City will continue with Action 2.1.</p>



I, Rob A. Hunt, City Manager, hereby certify that this Analysis of Impediments to Fair Housing Choice for the City of Tulare represents the City's conclusions about impediments to fair housing choice, as well as the actions necessary to address any identified impediments.

Rob A. Hunt

Date 5-5-2020

Rob A. Hunt, City Manager
City of Tulare