

Collier County Analysis of Impediments to Fair Housing Choice For Program Years 2016-2020



August 2016

Prepared for
Collier County, Florida
by



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Introduction

Equal access to housing choice is crucial to America’s commitment to equality and opportunity for all. Title VIII of the United States Civil Rights Act of 1968, more commonly known as the Fair Housing Act, provides housing opportunity protection by prohibiting discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin. The Act was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and to expand its coverage to prohibit discrimination on the basis of familial status and disability. The U.S. Department of Housing and Urban Development (HUD), specifically HUD’s Office of Fair Housing and Equal Opportunity (FHEO), is responsible for the administration and enforcement of the Fair Housing Act and other civil rights laws.

Provisions to affirmatively further fair housing (AFFH) are basic long-standing components of HUD’s housing and community development programs. The AFFH requirements are derived from Section 808(e) (5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department’s housing and urban development programs in a manner to affirmatively further fair housing.¹

Local communities, such as Collier County, that receive grant funds from HUD through its entitlement process satisfy this obligation by performing an “Analysis of Impediments to Fair Housing Choice” (AI) within their communities and developing and implementing strategies and actions to overcome any impediments to fair housing choice based on their history, circumstances, and experiences. Through this process, local entitlement communities promote fair housing choices for all persons, including protected classes under the Fair Housing Act, and provide opportunities for racially and ethnically inclusive patterns of housing occupancy, identify structural and systemic barriers to fair housing choice, and promote housing that is physically accessible and usable by persons with disabilities. Collier County has contracted with Mosaic Community Planning to prepare this Analysis of Impediments to Fair Housing Choice.

HUD will presume that the grantee is meeting its obligation and certification to affirmatively further fair housing by taking actions that address the impediments, including:

- Analyzing and eliminating housing discrimination within the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;

¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 13)*. March 1996.

- Promoting housing that is physically accessible to all persons to include those persons with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

Through its Community Planning and Development (CPD) programs, HUD's goal is to expand mobility and widen a person's freedom of choice. The Department also requires Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Program grantees to document AFFH actions in the annual performance reports that are submitted to HUD.

Definitions & Data Sources

Definitions

Affirmatively Further Fair Housing - In keeping with the latest proposed guidance from HUD, to Affirmatively Further Fair Housing Choice (AFFH) is to comply with “the 1968 Fair Housing Act’s obligation for state and local governments to improve and achieve more meaningful outcomes from fair housing policies, so that every American has the right to fair housing, regardless of their race, color, national origin, religion, sex, disability or familial status.”²

Fair Housing Choice - In carrying out its Analysis of Impediments to Fair Housing Choice, Collier County used the following definition of “Fair Housing Choice”:

- The ability of persons of similar income levels to have available to them the same housing choices regardless of race, color, religion, sex, national origin, familial status, or handicap.

Impediments to Fair Housing Choice - As adapted from the HUD *Fair Housing Planning Guide*, impediments to fair housing choice are understood to include:³

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

Protected Classes - In carrying out its Analysis of Impediments to Fair Housing Choice, the following definition of federally protected classes is used in this document:

- Title VIII of the Civil Rights Act of 1968 prohibits housing discrimination based on race, color, national origin or ancestry, sex, or religion. The 1988 Fair Housing Amendments Act added familial status and mental and physical handicap as protected classes.

² U.S. Department of Housing and Urban Development. “HUD Publishes New Proposed Rule on Affirmatively Furthering Fair Housing Choice.” Press Release No. 13-110. July 19, 2013.

³ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing for Fair Housing Planning, Page 2-17)*. March 1996.

Affordable - Though local definitions of the term may vary, the definition used throughout this analysis is congruent with HUD's definition:

- HUD defines as "affordable" housing that costs no more than 30% of a household's total monthly gross income. For rental housing, the 30% amount would be inclusive of any tenant-paid utility costs.
- For homeowners, the 30% amount would include the mortgage payment, property taxes, homeowners insurance, and any homeowners' association fees.

Data Sources Used in this Analysis

Decennial Census Data – Data collected by the Decennial Census for 2010 and 2000 is used in this Assessment (older Census data is only used in conjunction with more recent data in order to illustrate trends). The Decennial Census data is used by the U.S. Census Bureau to create several different datasets:

- 2010 and 2000 Census Summary File 1 (SF 1) – This dataset contains what is known as “100% data”, meaning that it contains the data collected from every household that participated in the 2010 Census and is not based on a representative sample of the population. Though this dataset is very broad in terms of coverage of the total population, it is limited in the depth of the information collected. Basic characteristics such as age, sex, and race are collected, but not more detailed information such as disability status, occupation, and income. The statistics are available for a variety of geographic levels with most tables obtainable down to the census tract or block group level.
- 2000 Census Summary File 3 (SF 3) – Containing sample data from approximately one in every six U.S. households, this dataset is compiled from respondents who received the “long form” Census survey. This comprehensive and highly detailed dataset contains information on such topics as ancestry, level of education, occupation, commute time to work, and home value. The SF 3 dataset was discontinued for the 2010 Census, but many of the variables from SF 3 are included in the American Community Survey.

American Community Survey (ACS) – The American Community Survey is an ongoing statistical survey that samples a small percentage of the U.S. population every year, thus providing communities with more current population and housing data throughout the 10 years between censuses. This approach trades the accuracy of the Decennial Census Data for the relative immediacy of continuously polled data from every year. ACS data is compiled from an annual sample of approximately 3 million addresses rather than an actual count (like

the Decennial Census's SF 1 data) and therefore is susceptible to sampling errors. This data is released in two different formats: single-year estimates and multi-year estimates.

- 2014 ACS 1-Year Estimates – Based on data collected between January 2014 and December 2014, these single-year estimates represent the most current information available from the U.S. Census Bureau, however; these estimates are only published for geographic areas with populations of 65,000 or greater.
- ACS Multi-Year Estimates – More current than Census 2010 data and available for more geographic areas than the ACS 1-Year Estimates, this dataset is one of the most frequently used. Because sampling error is reduced when estimates are collected over a longer period of time, 5-year estimates will be more accurate (but less recent) than 3-year estimates. ACS datasets are published for geographic areas with populations of 20,000 or greater. The 2010-2014 ACS 5-year estimates are used most often in this assessment.

Previous Works of Research – This AI is supported by, and in some cases builds upon, previous works of significant local research conducted for and by Collier County or other agencies southwest Florida. These include the following:

- Collier County Analysis of Impediments to Fair Housing Choice, July 2011 – This document was prepared by Collier County with the assistance of a consultant and is the immediate predecessor to the 2016 AI being prepared by Mosaic Community Planning. It contained a community with demographic and housing information, an overview of fair housing activities, an analysis of Home Mortgage Disclosure Act (HMDA) data, and identification of impediments to fair housing choice.
- Collier County FY2011 to FY2016 Consolidated Plan, July 2011 - This Consolidated Plan is being replaced with the 2016-2020 Consolidated Plan currently in development. The Consolidated Plan is the multiyear strategic plan that governs the investment of HUD CDBG, HOME, and ESG funds received by the County.
- Collier County FY2015 to FY2016 Annual Action Plan – Year 5, August 2015 - The most recent annual program for the use of CDBG, HOME, and ESG funds received from HUD.
- Collier County Citizen Participation Plan, July 2011 - This document is a component of the Consolidated Plan that describes the processes followed by the County to ensure opportunities for residents to provide input on proposed plans, funding, and reports developed for HUD grant programs.

- Asset Limited, Income Constrained, Employed (ALICE) Report for Florida, Fall 2014 - Prepared by the Rutgers University-Newark's School of Public Affairs and Administration with support from the United Way of Florida, this study examines cost of living by county for the state of Florida. In addition to estimating the number of households living below the poverty line, this study also estimates the number of households with incomes above the poverty level, but less than the basic cost of living for each county.
- National Low Income Housing Coalition Out of Reach, 2015 - The NLIHC produces annual estimates of housing affordability by state and county. This data estimates the minimum wage a worker would need to earn in order to afford a housing unit at local Fair Market Rents. It also calculates what affordable housing payments would be for workers earning the area's minimum wage and median renter wage, along with the number of work hours per week required to afford local Fair Market Rents at minimum and median renter wages.

Stakeholder Engagement

Survey – In conjunction with development of the 2016-2020 Consolidated Plan, Mosaic Community Planning conducted a survey to collect input from a broad spectrum of the residents. Respondents were asked to rate needs from lowest to highest priority for various housing, homeless, public service, community facility, infrastructure, and economic development needs. The survey also included questions specifically dealing with fair housing, housing discrimination, and access to community resources. In all, 91 survey responses were received.

Stakeholder Interviews – Key community stakeholders were identified, contacted, and interviewed either individually or in small groups as part of this Analysis. These stakeholders included County staff and representatives of nonprofit organizations, legal service providers, housing developers/managers, and special needs populations. Other stakeholders not belonging to any of these groups were occasionally interviewed as dictated by the course of research carried out for this Analysis.

Community Meetings – Four public meeting were held to provide a forum for Collier County residents and other interested parties to contribute to the identification of problems, issues, and barriers to fair housing choice for this AI. Meetings were advertised in the *Naples Daily News* in accordance with the County's Citizen Participation Plan. They were also advertised via flyers in English, Spanish, and Creole, and emails distributed to stakeholder organizations. In total, the four meetings had 55 attendees. Public comments received at the meetings were compiled and summarized for inclusion in the Consolidated Plan and AI where relevant.

Community Meeting #1

Estates Branch Library
1266 Golden Gate Boulevard
West Naples, Florida 34120
Tuesday, November 3, 2015
5:00 PM to 7:00 PM

Community Meeting #3

Immokalee Branch Library
417 North First Street
Immokalee, Florida 34142
Thursday, November 5, 2015
5:00 PM to 7:00 PM

Community Meeting #2

Naples Regional Library, Rees Room
650 Central Avenue
Naples, Florida 34102
Wednesday, November 4, 2015
6:00 PM to 7:00 PM

Community Meeting #4

East Naples Branch Library
8787 Tamiami Trail East
Naples, Florida 34113
Tuesday, November 10, 2015
5:00 PM to 7:00 PM

Focus Groups – Two focus groups were held to obtain input from specific populations regarding priority community development, affordable housing, and fair housing needs. These population groups included survivors of domestic violence in Naples and low/moderate income persons (including many migrant workers and persons with limited English proficiency) in Immokalee. Thirteen attendees participated in the focus groups. Their comments were compiled and summarized for inclusion in the Consolidated Plan and AI where relevant.

Focus Group #1

Shelter for Abused Women & Children
Naples, Florida
Tuesday, November 3, 2015
5:45 PM to 7:30 PM

Focus Group #2

Immokalee Housing & Family Services
2449 Sanders Pine Circle
Immokalee, Florida 34142
Thursday, November 5, 2015
2:30 PM to 4:00 PM

Public Comment Period and Public Hearing – A 30-day public comment period on the draft Analysis of Impediments to Fair Housing Choice was held from May 20, 2016 to June 20, 2016. During this time, copies of the draft report were available at all County public libraries, at the Public Information Desk in the Harmon Turner Building on the Collier County Government Main Campus, in the Community and Human Services Division office, and on the Division website. Comments were received by Community and Human Services Division staff by mail, email, telephone, and in person. A public hearing on the draft was held on June 2, 2016 at the Golden Gate Library. No comments regarding the Analysis of Impediments were received; one comment regarding the Consolidated Plan was received and is included in the appendix to that document.

Limitations of this Analysis

This Analysis of Impediments to Fair Housing Choice was prepared by Mosaic Community Planning, LLC for Collier County. This report analyzes the current fair housing climate, identifies impediments to fair housing choice and equity, and recommends strategies for overcoming the identified impediments. Some of the impediments identified in this report will require additional research and on-going analysis. This report is not intended to constitute a fair housing action plan or any other type of community plan; however, it should be a key resource for such plans as they are developed.

HUD's primary guidance for developing Analyses of Impediments is found in the Fair Housing Planning Guide, published in 1996. Since that time, HUD's approach to fair housing has evolved significantly and formal guidance is being developed. In 2013, HUD released a new proposed rule titled "Affirmatively Furthering Fair Housing" that outlines significant changes to the development of local fair housing studies. Because this proposed rule has yet to be finalized, the methodology and components of this AI, to the greatest extent possible, meet both the revised criteria of the proposed rule as well as the traditional AI requirements found in the Fair Housing Planning Guide.

While licensed attorneys with land use and fair housing experience have participated in the research contained herein, no portion of this Analysis shall constitute or be relied upon as legal advice or as a legal opinion.

Throughout this analysis, the authors have made careful choices regarding which datasets to use. The choice of a dataset often involves tradeoffs among criteria. For example, more recent datasets often have a limited number of data variables available for analysis. Additionally, there is the unavoidable tradeoff between geographic and socio-economic detail (less detailed data for smaller geographies) that sometimes restricts the availability of data. Also, the detailed definitions of data variables can change over time limiting their comparability.

Finally, all source data used in the preparation of this analysis is assumed to be accurate, whether from national sources (e.g. the U.S. Census Bureau), local sources (e.g. the Florida ALICE report), or from proprietary sources (e.g. the National Low Income Housing Coalition's *Out of Reach* report).

Historical Overview

According to the Census Bureau, Collier County is geographically the largest county in Florida by land area and the fourth largest by total area, with a total area of 2,305 square miles. Almost the entire southeastern area of the county is located within the Big Cypress National Preserve while the northernmost portion of Everglades National Park extends into the southern coastal part of the county.

Collier County is named after Barron Collier, an advertising mogul and real estate owner from New York City who moved to southwest Florida and became a prominent land owner. He built the Tamiami Trail for what was then Lee County and today comprises Charlotte, Collier, Glades, Hendry, and Lee Counties. Collier County was created in 1923 from Lee County.⁴

The People of Early South Florida

The first people to settle Southwest Florida were Paleo-Indians who lived in small, vastly scattered groups, surviving by hunting, fishing, and gathering food. During the region's early history, Florida's lower Gulf coast was controlled by the Calusa Native Americans who numbered approximately 10,000. The Calusa had a strong military force, dug canals, built temples, and collected tribute from towns and villages reaching from southern Florida to the Atlantic.

In 1523, Florida was claimed for Spain by Juan Ponce de Leon. Ponce de Leon led the first recorded European exploration of the Gulf coast. By the early 1700s, small groups of Creek Indians from Georgia and Alabama migrated into Florida. Eventually, these Natives joined with escaped black slaves and refugees from other tribes and forged a new identity as the Seminoles. As early as 1688, black slaves fled from the Southern colonies and were received by the Seminole as allies. Following years of disputes and wars the Seminole population was decimated, with the few surviving Seminoles finding refuge in the Everglades and Big Cypress Swamp. In this region, the Seminole developed a culture uniquely suited to the climate and terrain of south Florida. Southwest Florida was virtually uninhabited until after the Civil War when small groups of farmers and squatters began making their way south.⁵

⁴ <http://www.colliergov.net/your-government/divisions-f-r/museums/history>. Accessed on February 22, 2016.

⁵ <http://www.colliergov.net/your-government/divisions-f-r/museums/history>. Accessed on February 20, 2016.

South Florida's Early Economy

Early pioneers engaged in fishing, hunting, farming, and trapping. Trading posts were started at Everglades City and by the late 1880s, Naples and Marco Island were becoming popular winter resorts for wealthy Northerners and sportsmen. By the early 1900s, cattle ranching began around Immokalee. In the 1920s, railroads increased access to local markets and helped elevate the county's beef cattle industry to national importance by the end of World War II. Completion of the Tamiami Trail in 1928 helped unlock the region's agricultural and resort potential. In 1923, Florida's first commercial oil well was brought in at Sunniland. Collier County's cypress logging industry flourished into the 1950s.

World War II introduced hundreds of aircraft servicemen to both Naples and Collier County. The U.S. Army Air Field (now Naples Airport) was activated in 1943. Following the war, many veterans returned as home buyers and businessmen. In 1960, Hurricane Donna stimulated Naples' growth by creating an infusion of insurance money and loans. Collier's county seat was transferred from Everglades City to East Naples in 1962, indicating an era of sustained growth in agriculture, tourism, and real estate.⁶

Immokalee's Early History

Immokalee is Collier County's largest inland community. Economically, Immokalee is associated with the region's cattle ranches and agricultural economy. Established around 1872 by a mix of hunters, trappers, ranchers, missionaries, and Native American traders, the settlement of Allen's Place was renamed to Immokalee in 1897. Immokalee is phonetically translated from a Seminole word meaning "my home" or "his home."

The population of Immokalee grew slowly and in relative isolation until 1921. The extension of the Atlantic Coast Line Railway service further south opened a direct overland route to the town, allowing increased trade and communication. Collier County's creation in 1923 provided further improvements including a paved, north-south highway and a railroad line from Immokalee to the county seat at Everglades. Over the next twenty years, Immokalee's ranching and farming industries soared and lumber and oil production became an important part of the county's economy.⁷

Everglades' Early History

Baron Collier chose the region known as Everglades as the hub of his sprawling Southwest Florida development. In 1923, when Collier County was created, the town was

⁶ <http://www.colliergov.net/your-government/divisions-f-r/museums/history>. Accessed on February 22, 2016.

⁷ <http://www.colliermuseums.com/history>. Accessed on February 20, 2016.

renamed *Everglades* and became the first county seat. Collier launched an ambitious development plan to bring new growth to Southwest Florida, using his personal fortune to engage surveyors, engineers, and architects to build new docks, buildings, streets, and railroads. New homes were built and painted uniformly giving Everglades a military or “company town” appearance. Before long, Everglades was a modern and booming 1920s community with electric power, telephones, running water, mail delivery, railroad, trolley and steamship service, a school, and a weekly newspaper. The town officially became the City of Everglades on June 30, 1953.⁸

Naples’ Early History

During the land boom of the late 1880s the remote area now known as Naples began to attract interest and a group Tallahassee businessmen founded the Naples Town Improvement Company. The future town site was surveyed in 1886 and in 1887, the Naples Town Improvement Company was reorganized under a group of prominent Kentucky business leaders launching an ambitious town-building program based on tourism, rail, and sea commerce. However, sagging land sales and mounting debts collapsed the Naples Company and for the next thirty years, Naples remained a private winter retreat for upper-class Kentucky and Ohio families. Years of isolation ended in the late 1920s as roads and railroads reached Naples. World War II introduced hundreds of servicemen to Naples.⁹

⁸ <http://www.colliermuseums.com/history>. Accessed on February 20, 2016.

⁹ <http://www.colliermuseums.com/history>. Accessed on February 20, 2016.

Socioeconomic Overview

This section presents demographic and economic information collected from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, and other sources. Data was used to analyze a broad range of socioeconomic characteristics, including population growth, age, employment, income, and poverty. Ultimately, the information presented in this section helps illustrate the underlying conditions that have shaped housing and community needs in the county.

To supplement 2000 and 2010 census data, information for this analysis was also gathered from the Census Bureau’s American Community Survey (ACS). The ACS data covers similar topics as the decennial counts, but also includes data not appearing in the 2010 census such as household income and poverty. The key difference in these datasets is that ACS data represents samples as opposed to a 100 percent count; however, population distributions from the ACS data can be compared to those from the census.

Population Dynamics

Collier County is the 17th largest county by population in the state of Florida and has approximately 1.7% of the state’s overall population. According to the U.S. Census Bureau, its 2014 estimated population is 348,777. As of 2010, the County estimated an additional 65,000 to 72,000 residents during season (from October to May).

Population growth for the county has remained steady, growing at a rate of 27.9% between 2000 and 2010 and 8.5% between 2010 and 2014. The projected population growth rate by 2020 is slightly less than 10.0% (9.6%). Table 1 below shows the population count in Collier County and Naples, as drawn from the 1990, 2000, and 2010 censuses and the 2014 American Community Survey.

Table 1 . Population Change in Collier County, 1990-2014				
	1990	2000	2010	2014
Collier County				
Population	152,099	251,377	321,520	348,777
Population Growth Rate		65.3%	27.9%	8.5%
City of Naples				
Population	19,505	20,976	19,537	
Population Growth Rate		7.5%	-6.9%	

Sources: U.S. Census 1990, 2000 SF1 Table P001 and 2010 SF1 Table P1; 2014 1-Year American Community Survey Table B01003

Table 1 also illustrates declining population in the City of Naples. Between 2000 and 2010 the city lost 6.9% of its residents, compared to a growth rate of 27.9% in the county. Population growth in Collier County from 2010 to 2014 of 8.5% is high when compared to the state growth rate of 5.8% and national growth rate of 3.3%.

Population by Age

The population of Collier County can be characterized as older than the overall population of Florida and the U.S. with a median age of 47.9 years in 2014, compared to 41.3 years for the state of Florida and 37.0 for the nation. In 2014, residents over the age of 65 accounted for over a quarter of the County’s population (29.7%). Approximately 1 in 5 residents (18.3%) were under the age of 5.

Between the 2000 and 2010 Censuses, population growth was strongest in the 75 and over age category, climbing from 10.5% of the population in 2000 to 12.1% in 2010. The 55 to 64 and 65 to 74 age brackets also grew at rates above the county overall. Younger age groups (0-4 years, 5-19 years, and 25-34 years) saw growth rates below the county average.

Table 2. Population by Age in Collier County, Florida					
Age	2000		2010		2000-2010 % Change
	Count	Share of Total	Count	Share of Total	
Under 5 years	13,441	5.3%	16,836	5.2%	25.3%
5 to 19	41,503	16.5%	52,341	16.3%	26.1%
20 to 24	11,708	4.7%	15,516	4.8%	32.5%
25 to 34	28,262	11.2%	32,550	10.1%	15.2%
35 to 54	62,973	25.1%	76,386	23.8%	21.3%
55 to 64	31,977	12.7%	42,940	13.4%	34.3%
65 to 74	35,088	14.0%	46,154	14.4%	31.5%
75 and over	26,425	10.5%	38,797	12.1%	46.8%
Total	251,377	100.0%	321,520	100.0%	27.9%

Source: 2000 Census SF1 Table P012 and 2010 Census SF1 Table P12

Economic Overview

Labor Force and Total Employment

Data regarding the labor force, defined as the total number of persons working or looking for work, and employment, or the number of persons working, as gathered from Bureau of Labor Statistics estimates are presented below. As shown, labor force and employment figures in the County reflects a gradual decline in the unemployment rate since 2011.

However, the unemployment rate in the County has consistently remained lower than the unemployment rate in the state of Florida.

Jurisdiction	2011	2012	2013	2014	2015
Collier County	8.7%	7.5%	5.7%	4.9%	4.6%
State of Florida	9.0%	7.9%	6.3%	5.4%	4.7%

Source: Bureau of Labor Statistics Local Area Unemployment, <http://www.bls.gov/lau/lamtrk09.htm>

According to the Bureau of Labor Statistics, major private-sector employers in the county included Naples Community Hospital, Publix Supermarkets, and Walmart. The table below depicts the top 15 employers in Collier County.

Employer	Number of Employees
Naples Community Hospital	4,000
Collier County Government	1,800
Ritz-Carlton-Naples	1,110
Garquilo, Inc.	1,110
Arthrex, Inc.	1,056
Collier County Sheriff's Office	1,029
Home Team Inspection Services	900
Publix Supermarkets	800
Marriott	700
Naples Grande Beach Resort	700
Downing Frye Realty	550
Gulf Bay Group Co.	500
Moornings Park - Home Health	500
Continental Transportation Services	500
Bentley Village	470
John R. Wood Realtor	400

Source: ReferenceUSA and FGCU study in Collier County Regional Population Overview, <http://www.colliergov.net/Home/ShowDocument?id=43859>

Notably, the economic context of Collier County has changed since 2010. Since 2010, the County has seen a 20% overall increase (representative of 19,400 jobs) that are outside of the farming sector, with the largest increases being in the fields of retail, accommodation and food services, and construction. Between 2010 and 2014, the County lost 8% of its jobs in

the agriculture, forestry, fishing, and hunting fields.¹⁰ As of 2014, the top employment industries in the county, based on percentage of employment for the overall workforce, were:

1. Leisure and Hospitality (19.7%)
2. Trade Transportation, and Utilities (19.3%)
3. Educational and Health Services (14.3%)
4. Professional and Business Services (10.5%)
5. Government (9.7%)
6. Construction (9.2%)
7. Financial Activities (5.6%)
8. Other Services (4.5%)
9. Natural Resource and Mining (3.4%)
10. Manufacturing (2.6%)
11. Information (1.1%)

Annual wages for the top employment industries for 2014 were:

1. Financial Activities \$86,624
2. Information \$64,982
3. Professional and Business Services \$57,024
4. Government \$51,534
5. Manufacturing \$ 49,064
6. Educational and Health Services \$48,286
7. Construction \$ 42,501
8. Trade, Transportation and Utilities \$37,285
9. Other Services \$32,623
10. Leisure and Hospitality \$28,801
11. Natural Resource and Mining \$25,894

Income and Poverty

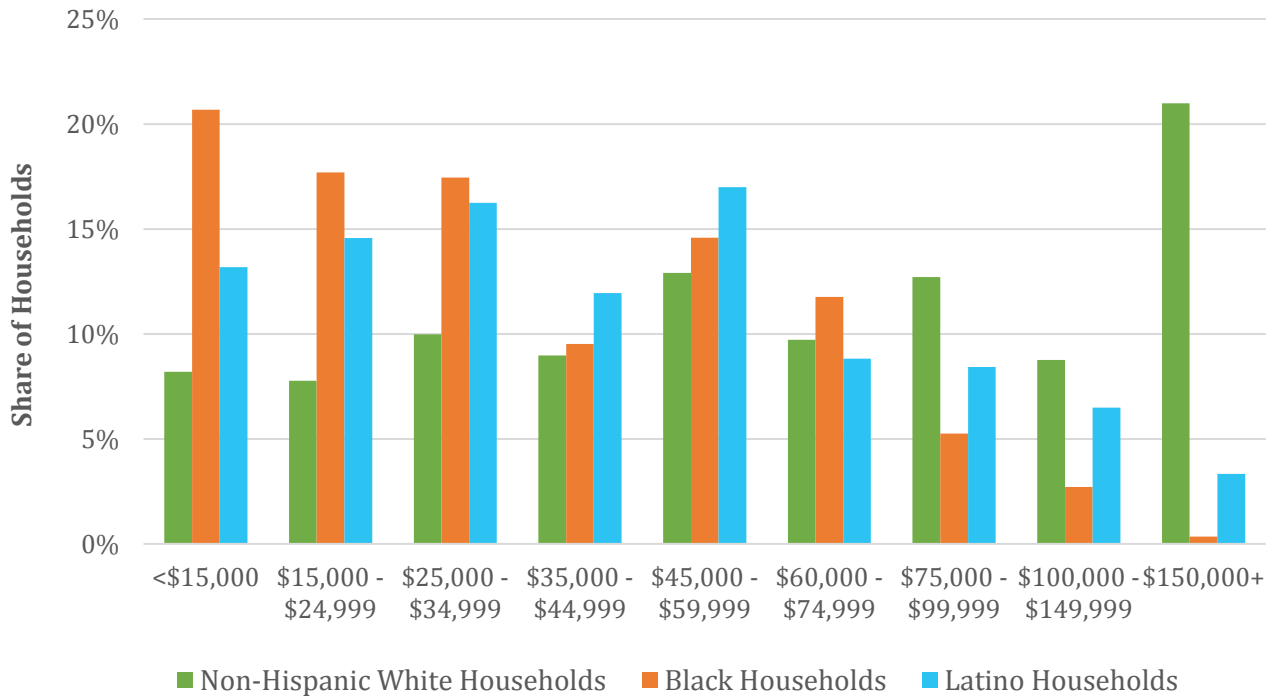
Income and earning dynamics are important to assessing community needs related to ability to access housing, healthcare, food, and other quality of life indicators. Collier County's cost of living is slightly higher than the Florida state average. The price level index for 2013 was 100.28, compared to the Florida state average set at 100. Personal per capita income for 2014 was \$73,869, while median household income was \$56,250 and median family income was \$65,373.

¹⁰ Key Factors of the Geographic and Economic Context of Collier County.
<http://www.colliergov.net/home/showdocument?id=64652>. Accessed 05/14/2016

Table 5. Households by Income in Collier County, Florida					
Income Range	2000		2010-2014		2000 to 2010-2014 % Change
	Count	Share of Total	Count	Share of Total	
Less than \$10,000	6,147	6.0%	6,812	5.4%	10.8%
\$10,000 to \$14,999	4,178	4.1%	5,057	4.0%	21.0%
\$15,000 to \$24,999	11,912	11.6%	11,668	9.2%	-2.0%
\$25,000 to \$34,999	13,296	12.9%	14,133	11.2%	6.3%
\$35,000 to \$49,999	17,627	17.1%	17,804	14.1%	1.0%
\$50,000 to \$74,999	20,016	19.4%	23,582	18.7%	17.8%
\$75,000 to \$99,999	11,263	10.9%	14,804	11.7%	31.4%
\$100,000 to \$149,999	9,387	9.1%	15,929	12.6%	69.7%
\$150,000 to \$199,999	3,306	3.2%	5,852	4.6%	77.0%
\$200,000 or more	5,994	5.8%	10,690	8.5%	78.3%
Total	103,126	100.0%	126,331	100.0%	22.5%
Median Household Income	\$48,289		\$56,250		16.5%

Source: 2000 Census SF1 Tables P052 and P053 and 2010-2014 5-Year American Community Survey Tables B19001 and B19013

Figure 1. Household Income Distribution in Collier County, 2010-2014



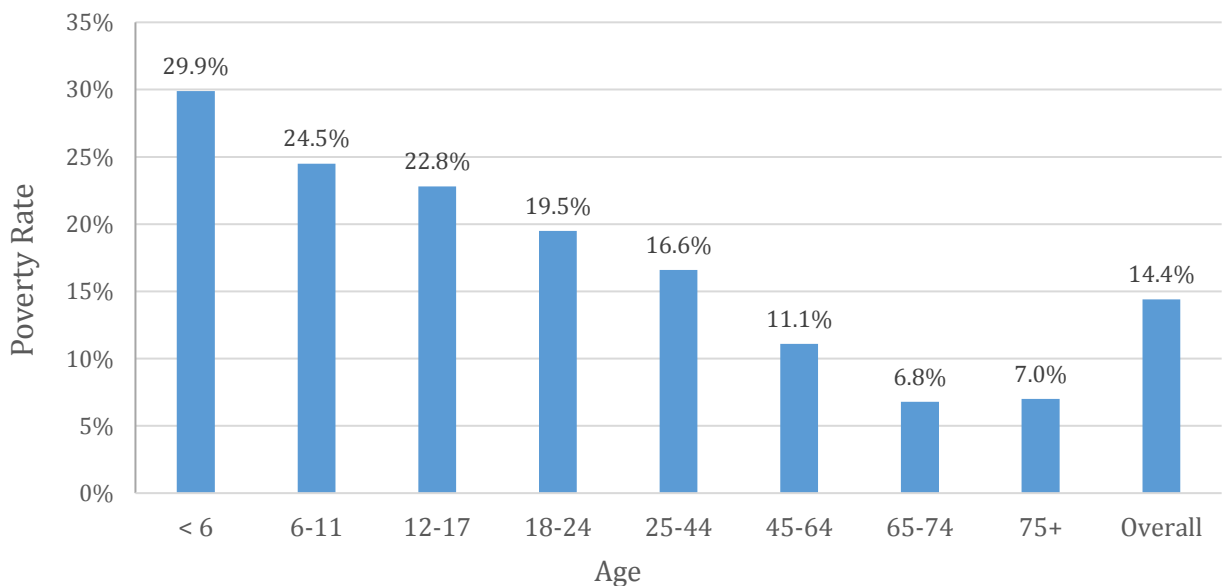
Source: 2010-2014 5-Year American Community Survey Tables B19001B, B19001H and 19001I

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family’s total income is less than the threshold for its size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps. Further, poverty is not defined for persons in military barracks, institutional group quarters, or for unrelated individuals under age 15 such as foster children.

While Collier County is one of the wealthiest counties in Florida, with a per capita income that is approximately 1.4 times that of the state, there are significant poverty indicators and geographic areas of poverty. Four Collier communities have per capita incomes ranging from \$9,496 to \$24,556, according to the 2010 Census: Immokalee and three communities in the Greater Naples area (Naples Manor, Golden Gate City, and Naples Park). Additionally, Collier County has 5 zip codes designated as Low Income Areas by U.S. Department of Health and Human Services (34142, 34114, 34104, 34113, and 34116).

Between 1989 and 2009, the number of persons living in poverty increased 56% in the county. Children under the age of 18 years living in poverty increased by 138% for this 20 year period, compared to an overall increase of 44% in the state of Florida. The use of entitlements also increased during the time between 1990 and 2010. According to the USDA, the use of the Women, Infants, and Children’s (WIC) Nutrition Program, which provides food and nutritional assistance to pregnant and new mothers and children through 5 years of age, increasing by over 174%.

Figure 2. Poverty Rate by Age in Collier County, 2010-2014



Source: 2010-2014 5-Year American Community Survey Tables B17001

Racial and ethnic minorities in the County also experience higher rates of poverty and unemployment rates despite being younger in age.

Race/Ethnicity	Median Age (in years)	Median Income	Poverty Rate	Unemployment Rate
Non-Latino White	57.7	\$62,862	7.8%	7.0%
African American/Black	29.8	\$31,041	29.7%	18.1%
Asian	38.5	\$59,508	13.1%	13.6%
Latino	28.4	\$40,322	26.8%	11.3%
Total Population	46.9	\$56,250	14.4%	9.2%

Sources: 2010 Census SF1 Tables P13, P13B, P13D, P13H, P13I and 2010-2014 5-Year American Community Survey Tables B17001, B17001B, B17001D, B17001H, B17001I, B19013, B19013B, B19013D, B19013H, B19013I, B23025, C23002B, C23002D, C23002H, C23002I

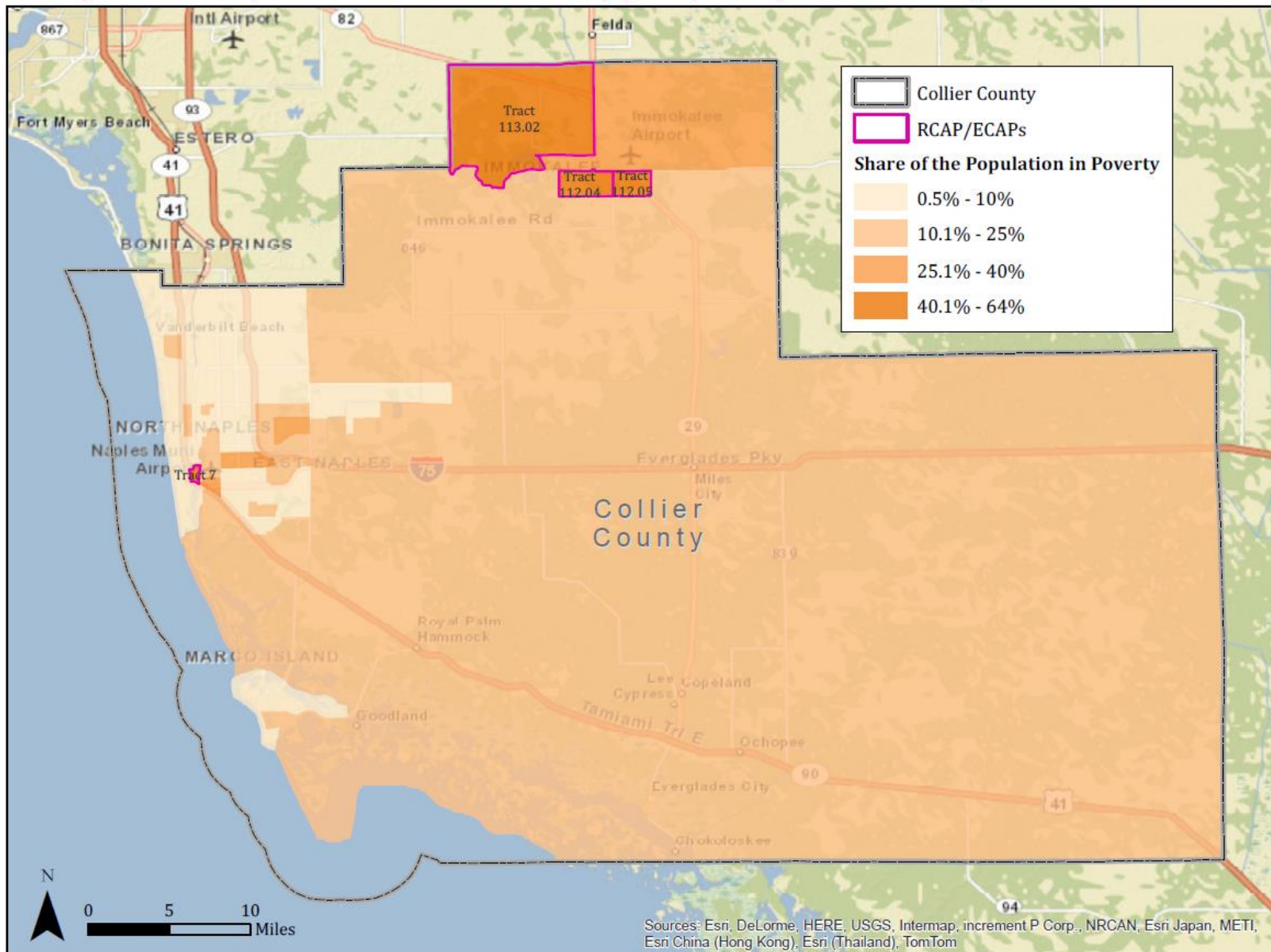
Racially and Ethnically Concentrated Areas of Poverty (RCAP/ECAPs)

This study uses a methodology developed by HUD to identify and analyze racially and/or ethnically concentrated areas of poverty (RCAP/ECAPs). HUD defines an RCAP/ECAP as a census tract with an individual poverty rate of 40% or greater and a non-White population of 50% or more. The map on the following page identifies RCAP/ECAPs in Collier County, which includes three tracts in Immokalee and one in Naples. As the table below shows, 9,495 Latinos, 4,003 African Americans, and 137 Native Americans are in concentrated areas of poverty.

Race/Ethnicity	Count	Share
Non-Latino	5,016	34.6%
White	813	5.6%
African American/Black	4,003	27.6%
Native American	137	0.9%
Asian	4	0.0%
Pacific Islander	0	0.0%
Some Other Race	0	0.0%
Two or More Races	59	0.4%
Latino	9,495	65.4%
Total Population	14,511	100.0%
Total Non-White Population	13,698	94.4%

Source: 2010-2014 5-Year American Community Survey Table B03002

Racially and Ethnically Concentrated Areas of Poverty (RCAP/ECAPs) in Collier County, 2010-2014



Source: 2010-2014 5-Year American Community Survey Tables B03002 and B17001

Protected Class Analysis

The Fair Housing Act and similar state fair housing laws list seven prohibited bases for housing discrimination:¹¹ race, color, national origin, gender, familial status, disability, and religion. The socioeconomic analysis appearing earlier in this report contains information on race, ethnicity, and other related factors, but is concerned with the county's composition as a whole. This protected class analysis addresses each of the federally protected groups and their geographic distribution within Collier County to illustrate where concentrations exist.

This protected class analysis does not attempt to answer the question of why concentrations occur, but instead creates a lens through which other community features and conditions mapped and discussed in this report may be viewed. For example, maps of transit service areas, high poverty areas, or HUD-assisted housing units (all appearing later in this report) can be compared with the maps in this section to determine the degree to which these factors impact areas of protected class concentrations. Taken together with this further analysis of affordable housing, labor market participation, education, land use, and other issues, the report as a whole attempts to provide answers as to why protected class concentrations exist where they do.

Race and Ethnicity

As of 2010, the majority of the population within the county was non-Latino White (65.7%), however, over a quarter of the population (25.9%) was Latino of any race. Between the 2000 and 2010 censuses, the county's population grew by 27.9%, with the growth of some racial and ethnic groups far exceeding the overall population growth rate. Though representing a relatively minor absolute increase in number of residents (1,863), the size of the county's Asian population grew by 122.0%, followed by African American (80.9%) and Latino (72.4%) groups. The non-Latino White population grew significantly more slowly than the county overall (13.8%). These patterns indicate a general trend toward increased diversity of the county's population, a growth pattern that is reflective of the state and nation as well. For comparison, Florida's Asian, African American, and Latino populations grew by 70.1%, 25.9%, and 57.4% respectively over the same period. Nationally, the Latino population was the fastest-growing segment between 2000 and 2010, increasing by 43.0%, and the populations of all other minority groups grew at faster rates than the non-Latino White population growth rate of 1.2%.

¹¹Live Free: Annual Report on Fair Housing FY 2010, U.S. Department of Housing and Urban Development.

Table 8. Population by Race and Ethnicity in Collier County, Florida

Race by Ethnicity	2000		2010		2000-2010 % Change
	Count	Share	Count	Share	
Non-Latino	202,081	80.4%	238,343	74.1%	17.9%
White	185,517	73.8%	211,156	65.7%	13.8%
African American	10,999	4.4%	19,898	6.2%	80.9%
American Indian/Alaskan Native	482	0.2%	609	0.2%	26.3%
Asian	1,527	0.6%	3,390	1.1%	122.0%
Native Hawaiian/Pacific Islander	63	0.0%	72	0.0%	14.3%
Other race	250	0.1%	431	0.1%	72.4%
Two or more races	3,243	1.3%	2,787	0.9%	-14.1%
Latino	49,296	19.6%	83,177	25.9%	68.7%
Total Population	251,377	100.0%	321,520	100.0%	27.9%

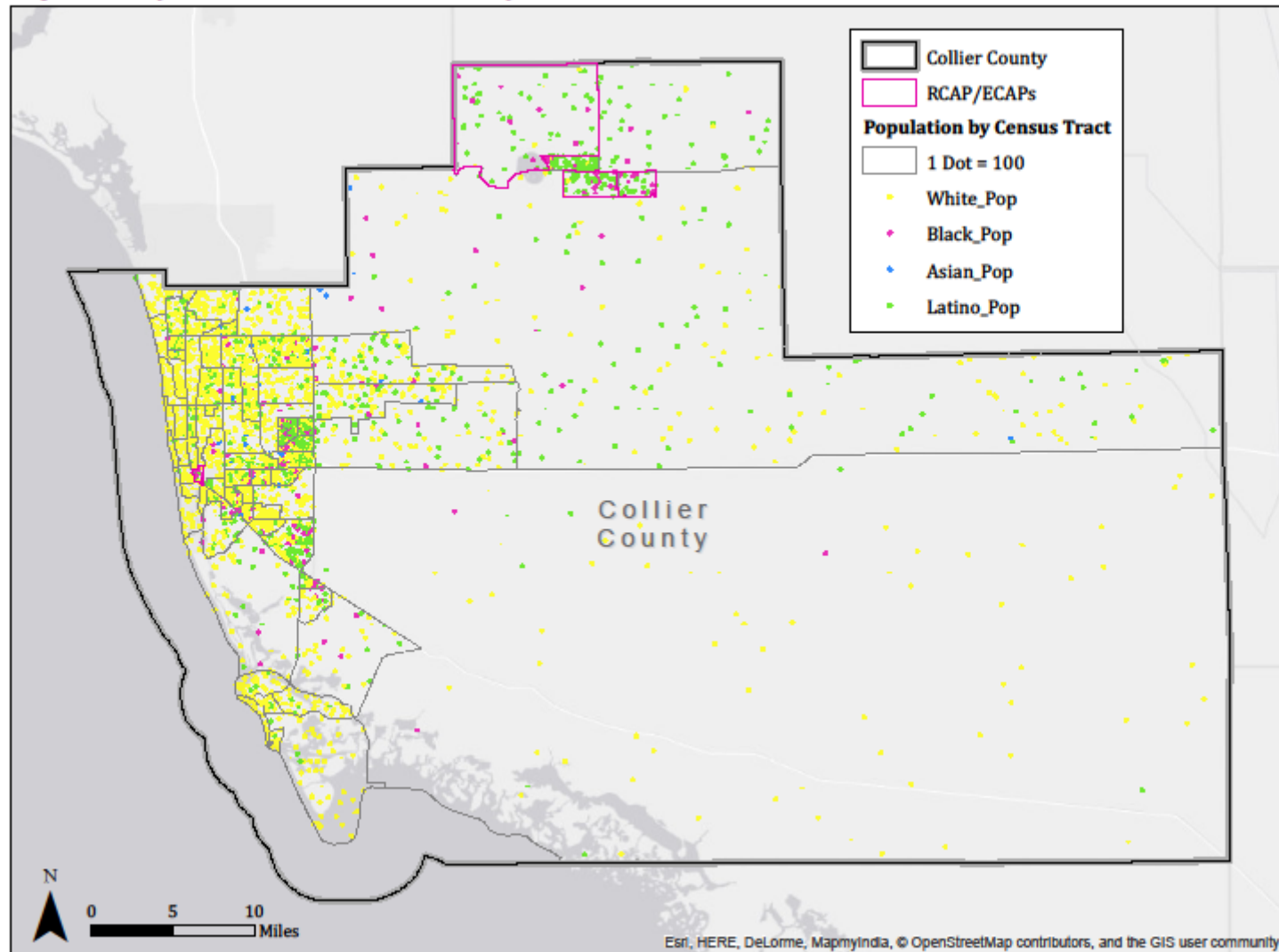
Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

The maps that follow illustrate the racial and ethnic concentrations in Collier County by 2010 census tract. The first of these maps, “Population by Census Tract in Collier County, 2010” uses dots, each dot representing 100 people, to illustrate the population distribution by tract. This map shows the county’s population overwhelmingly concentrated in Naples, with very sparse population south of I-75 and east of Collier Boulevard. The African American and Asian populations appear relatively evenly distributed, but make up such small shares of the total population of the county that concentrations are difficult to identify in this type of map. There are, however, distinct areas where the Latino population is concentrated, namely Immokalee, Golden Gate, and Lely.

The next three maps depict concentrations of minority populations generally, Latinos, and African Americans. The minority concentrations in Collier County are generally consistent with those areas of Latino concentration, exceptions being neighborhoods along the 9th Street corridor, some of which have high concentrations of minorities, but are not as heavily Latino as the Immokalee, Golden Gate, and Lely communities.

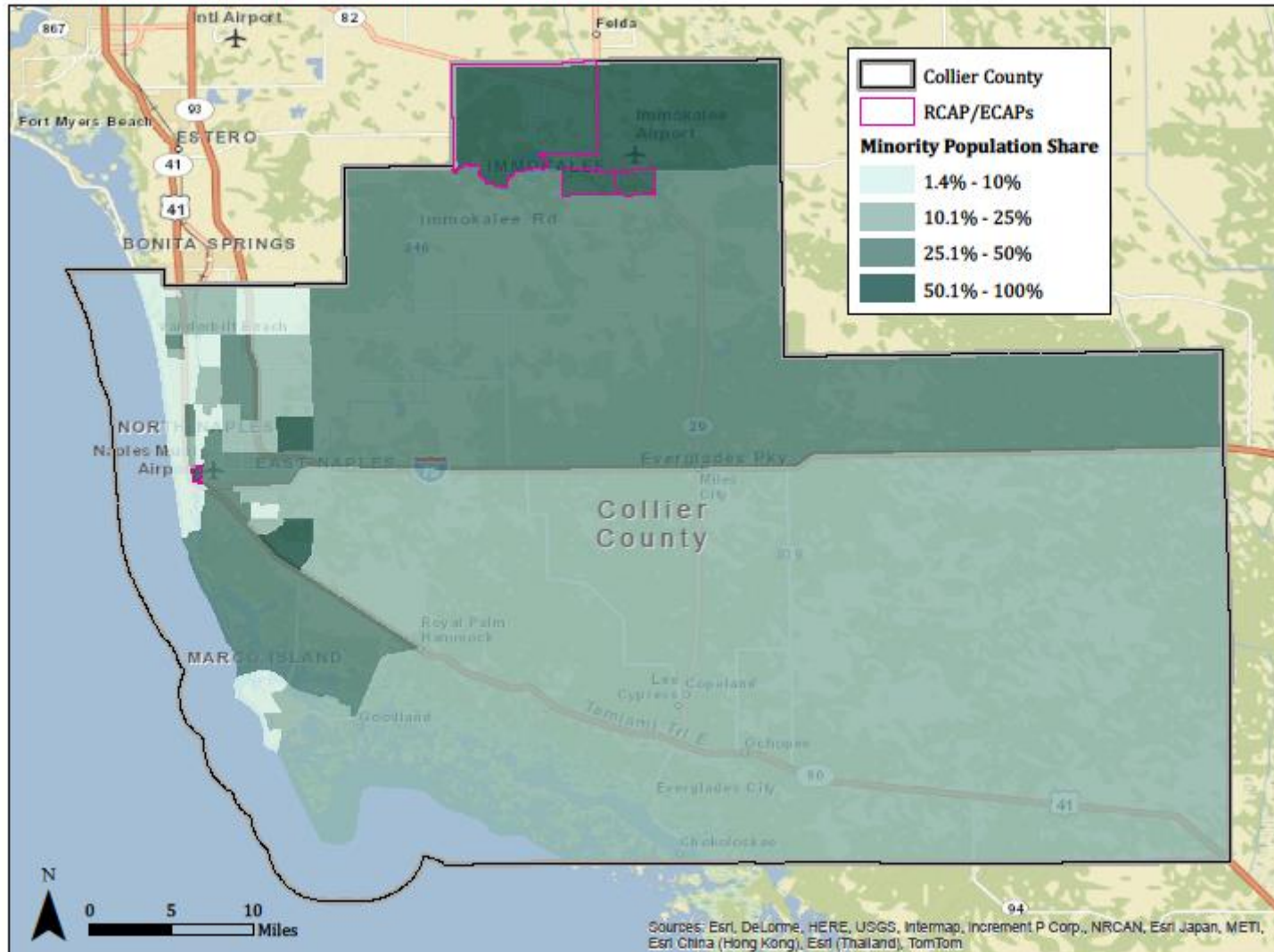
The last map in this series, “African American Share of the Population in Collier County, 2010”, shows two areas of significant African American concentration: a tract in Immokalee along New Harvest Road (which includes Collier County Housing Authority’s Farm Worker Way units) and a tract in Naples between Tamiami Trail and the Naples Municipal Airport representing the River Park area. These two tracts contain African American populations of 30% or more, significantly greater than their 6.2% share of the county’s population overall.

Population by Census Tract in Collier County, 2010



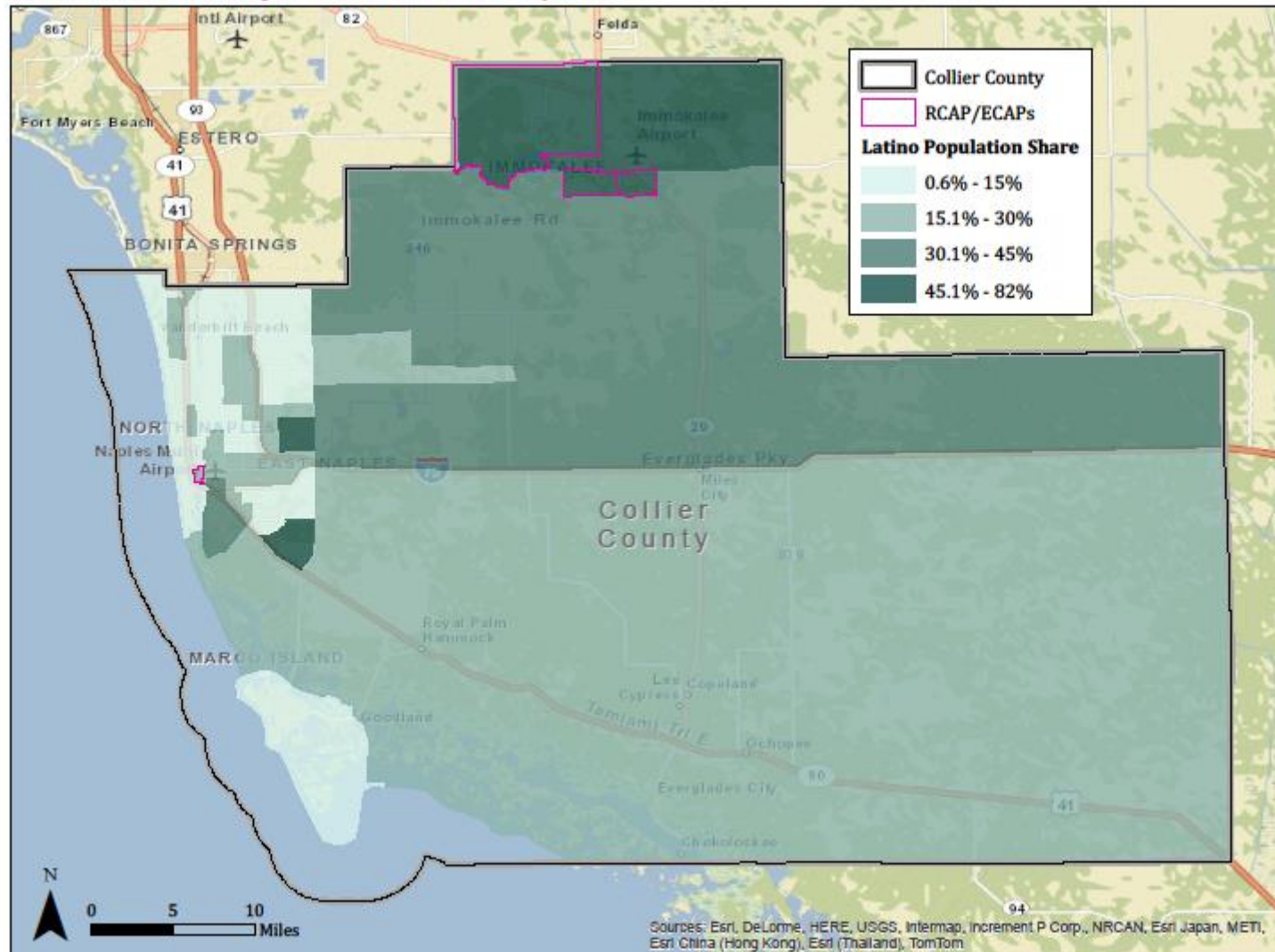
Source: 2010 U.S. Census SF1, Table P5

Minority Share of the Population in Collier County, 2010



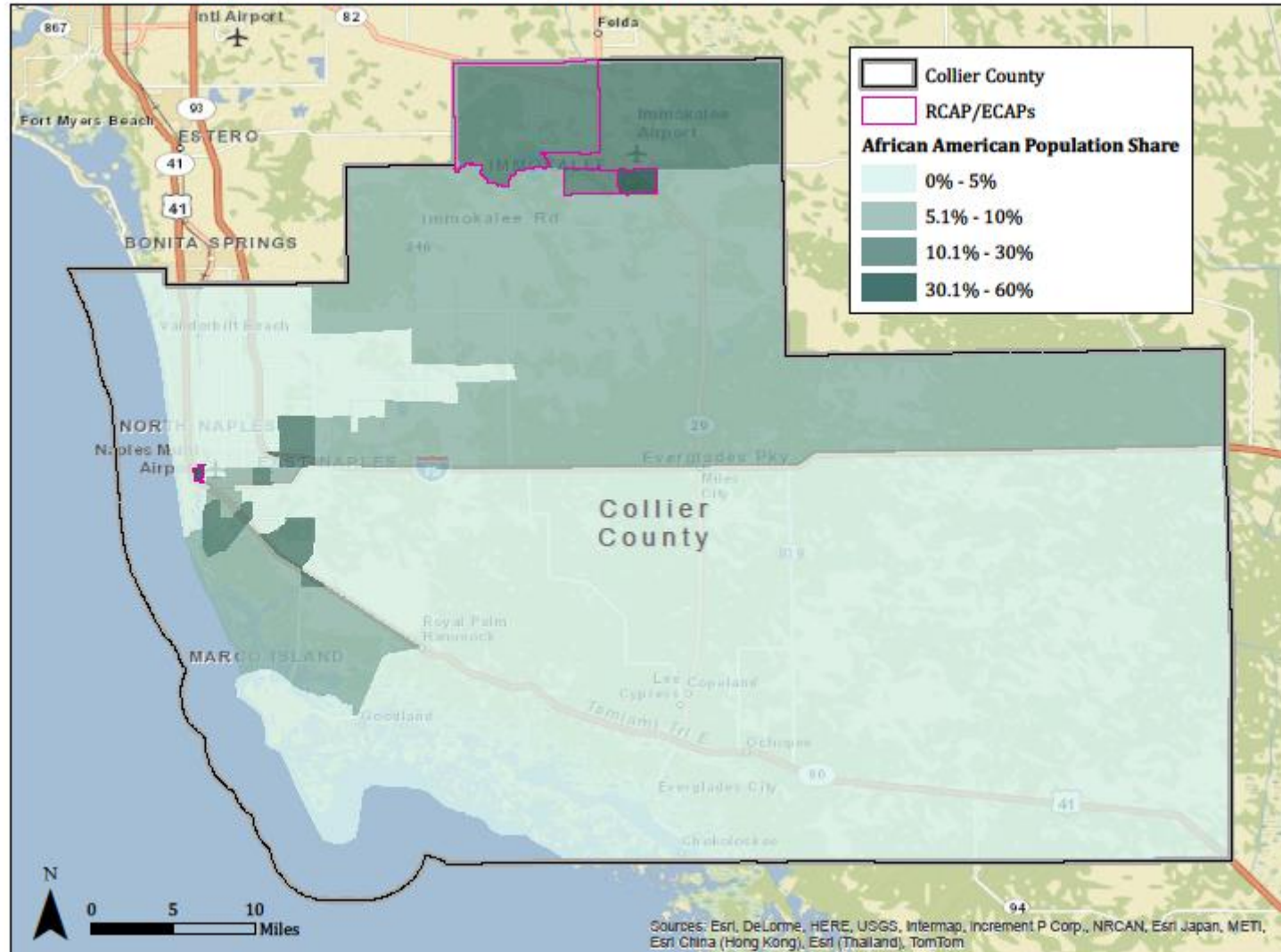
Source: 2010 U.S. Census SF1, Table P5

Latino Share of the Population in Collier County, 2010



Source: 2010 U.S. Census SF1, Table P5

African American Share of the Population in Collier County, 2010



Source: 2010 U.S. Census SF1, Table P5

National Origin

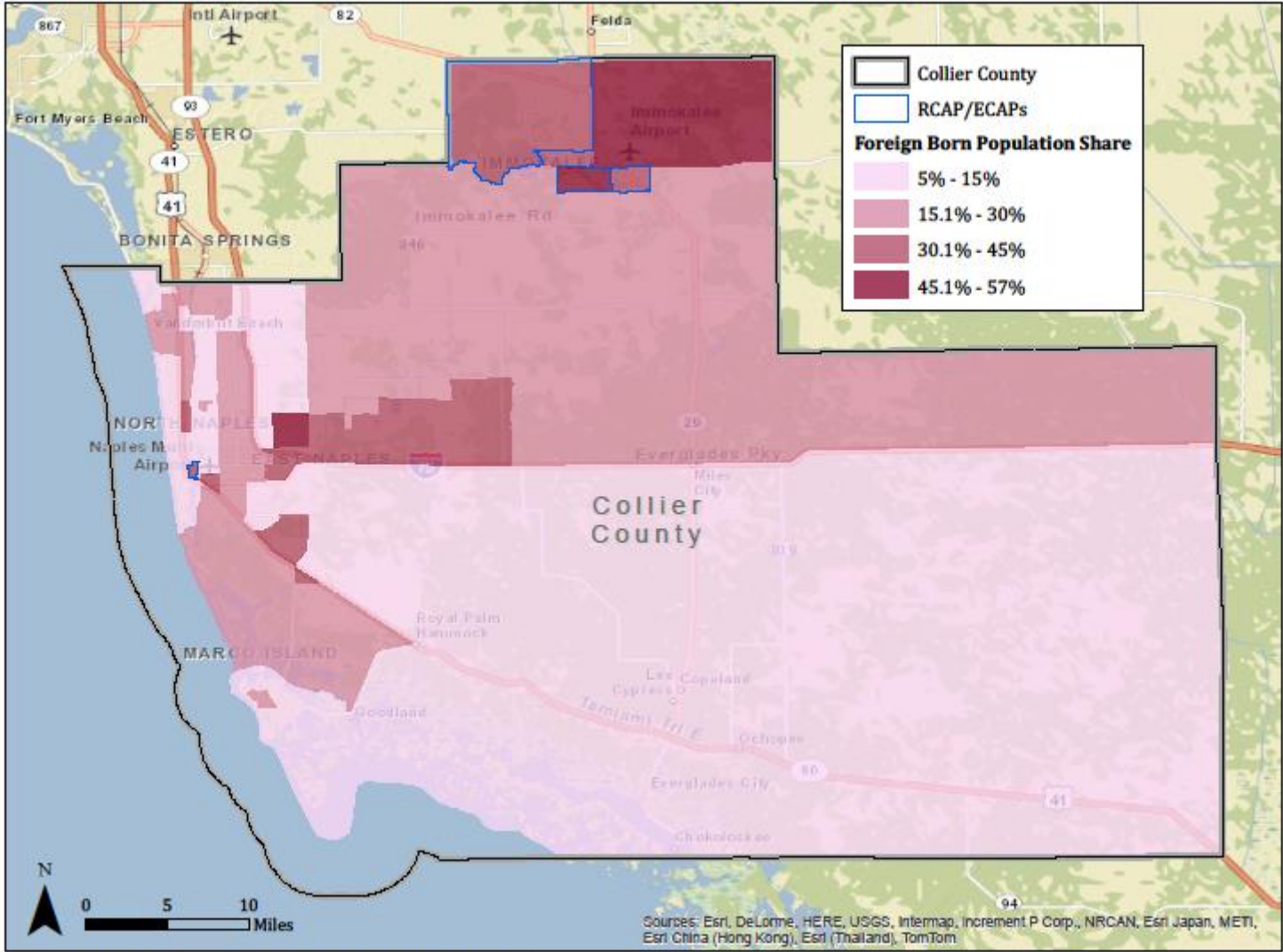
Based on the American Community Survey's 2010-2014 five-year population estimates, nearly one quarter (23.0%) of Collier County's population was foreign-born, with 66.4% of these foreign-born residents originating from the Caribbean and Central America. While this group made up the largest share of the county's foreign-born population, at 64.4% growth between 2000 and 2014, it was not the fastest-growing segment. The growth of foreign-born populations originating from Africa (195.7%), Asia (177.0%), and South America (144.4%) over the 2000 to 2014 time period occurred at a faster rate.

Table 9. National Origin of Foreign Born Population in Collier County, Florida

National Origin	2000		2010-2014		Percent Change
	Count	Share	Count	Share	
Europe	7,713	16.7%	11,124	14.5%	44.2%
Asia	1,343	2.9%	3,720	4.8%	177.0%
Africa	234	0.5%	692	0.9%	195.7%
Oceania	66	0.1%	70	0.1%	6.1%
Americas	36,715	79.7%	61,346	79.7%	67.1%
Caribbean & Central America	31,099	67.5%	51,129	66.4%	64.4%
South America	3,193	6.9%	7,805	10.1%	144.4%
Northern America	2,423	5.3%	2,412	3.1%	-0.5%
Foreign Born Population	46,071	100.0%	76,952	100.0%	67.0%
Foreign Born as Share of Total Population	18.3%		23.0%		

Sources: U.S. Census 2000 SF3 Table PCT019 and 2010-2014 5-Year American Community Survey Table B05006

Foreign Born Share of the Population by Census Tract in Collier County, 2010-2014



Source: 2010-2014 5-Year American Community Survey Table B05012

Familial Status and Householder Sex

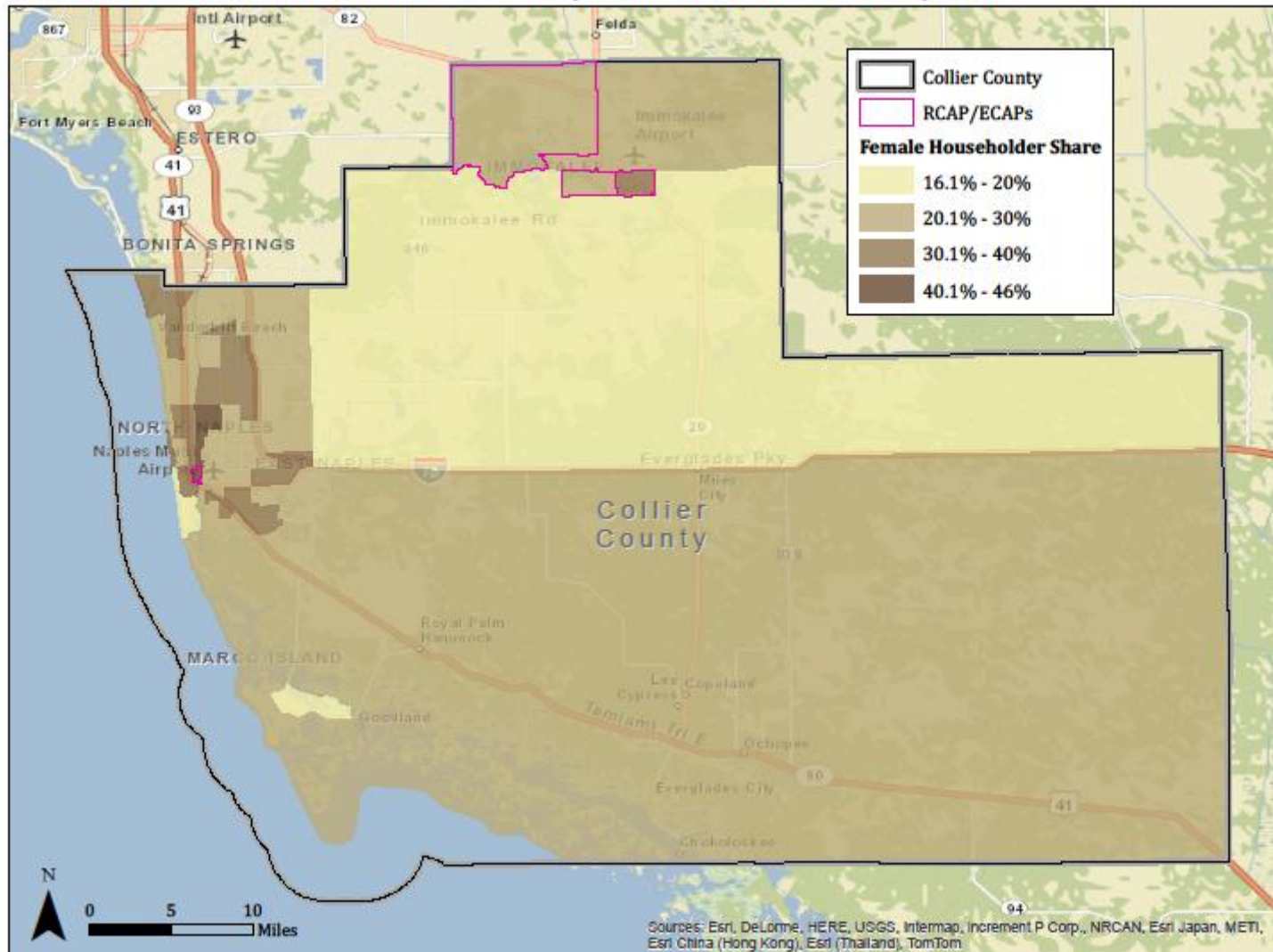
As of the 2010 Census, there were 133,179 households in the study area, of which 67.0% were families. Married couple households without children were the most common household type in 2010, followed by female-headed and then male-headed non-family households. Only 36.2% of families and 24.3% of all households included children. The fastest-growing household types were all female-headed, with no husband present. The number of female-headed households with children increased by 47.9% between 2000 and 2010; those without children increased by 65.7% over the same time period. Married couple households, both with and without children, were the only household types to grow more slowly than the county's overall rate of growth.

Table 10. Familial Status and Sex of Householder in Collier County, Florida

Household Type	2000		2010		2000-2010 % Change
	Count	Share	Count	Share	
Family Households	71,264	69.2%	89,276	67.0%	25.3%
Married couple householders	59,871	58.1%	72,152	54.2%	20.5%
With related children under 18	17,935	17.4%	21,524	16.2%	20.0%
No related children under 18	41,936	40.7%	50,628	38.0%	20.7%
Male householder, no wife	3,948	3.8%	5,692	4.3%	44.2%
With related children under 18	2,232	2.2%	3,301	2.5%	47.9%
No related children under 18	1,716	1.7%	2,391	1.8%	39.3%
Female householder, no husband	7,445	7.2%	11,432	8.6%	53.6%
With related children under 18	5,075	4.9%	7,504	5.6%	47.9%
No related children under 18	2,370	2.3%	3,928	2.9%	65.7%
Nonfamily Households	31,709	30.8%	43,903	33.0%	38.5%
Male householders	14,103	13.7%	19,267	14.5%	36.6%
Female householders	17,606	17.1%	24,636	18.5%	39.9%
Total Households	102,973	100.0%	133,179	100.0%	29.3%
Total female householders	25,051	24.3%	36,068	27.1%	44.0%
Total households with children	25,242	24.5%	32,329	24.3%	28.1%

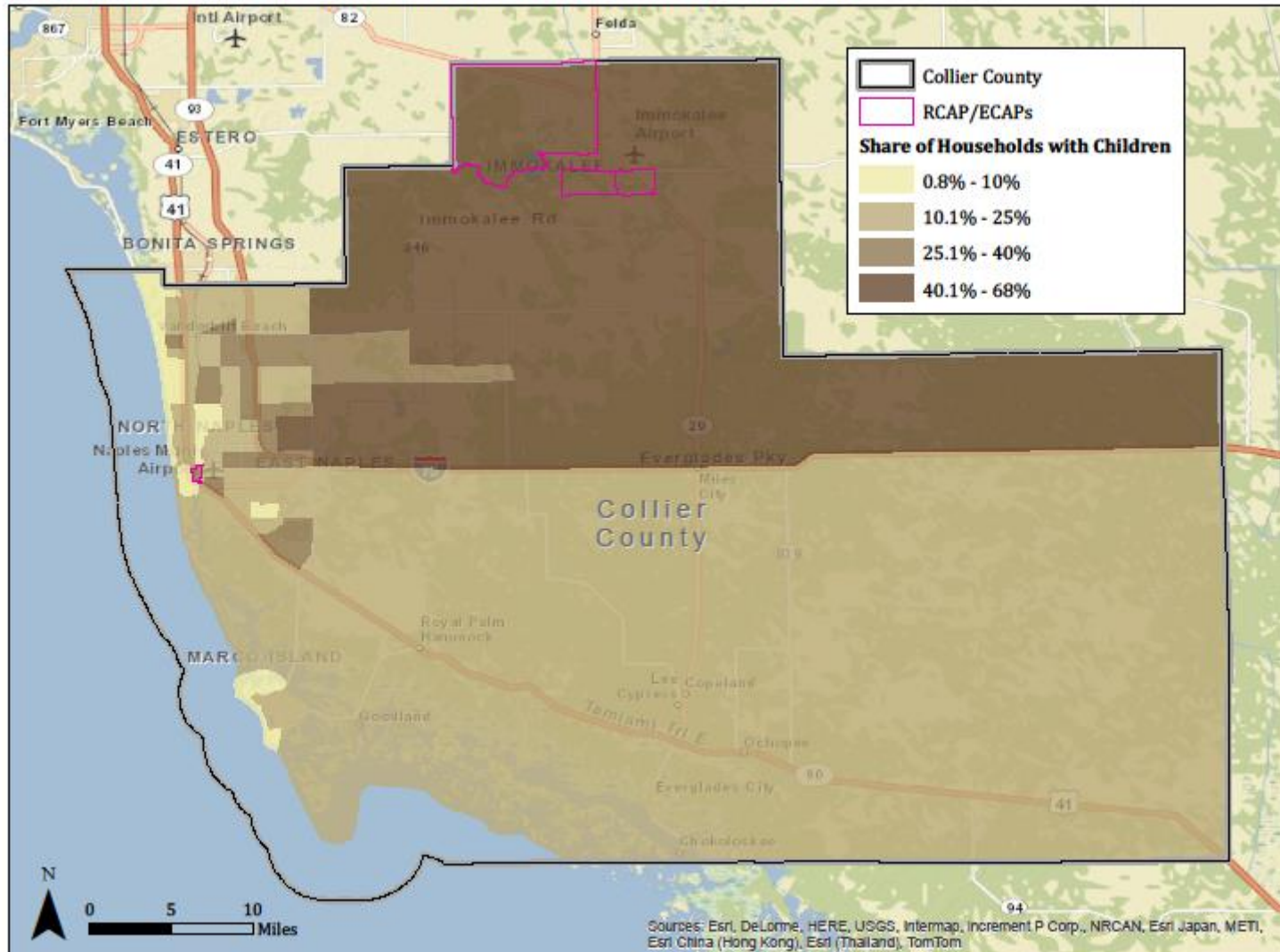
Sources: U.S. Census 2000 SF1 Tables P027 and P035 and 2010 SF1 Tables P29 and P39

Share of Households with Female Householders by Census Tract in Collier County, 2010



Source: 2010 U.S. Census SF 1 Tables P29 and P39

Share of Households with Children by Census Tract in Collier County, 2010



Source: 2010 U.S. Census SF 1 Table P39

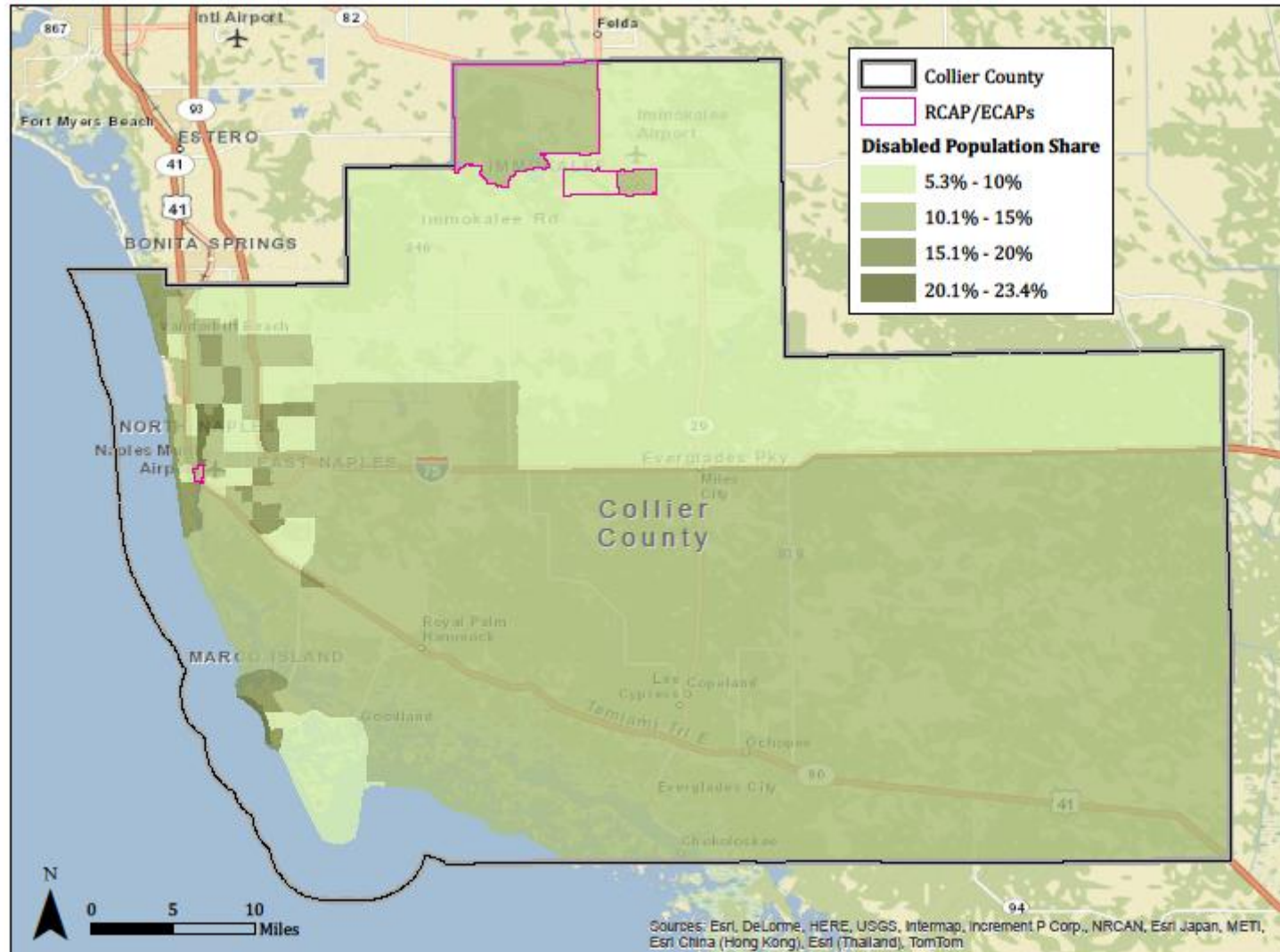
Disability

Disability is defined by the Census Bureau as a lasting physical, mental, or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes him or her from being able to go outside the home alone or to work. According to the most recent five-year American Community Survey data (2010-2014), the county had a disability rate of 11.4%, which represented 37,892 persons living with a disability. Nearly one quarter (24.5%) of the county's population age 65 or older was disabled while 6.3% of those under 65 had a disability. Over half of the people with disabilities in Collier County had a disability that inhibited ambulatory functioning and movement, and large percentages had disabilities which resulted in difficulties with hearing (37.4%), independent living (36.7%), and cognitive functioning (30.6%). These difficulties may not only inhibit daily functioning but also require housing accommodation and supportive services. The county's ability to meet the housing needs of its disabled residents is impacted by an array of factors – such as zoning regulations for group homes, the ease with which modifications may be made to existing homes, and the availability of fair housing services – which are each examined in other sections of this report. The map below depicts the concentration of residents with disabilities by census tract.

Table 11. Disability Status of the Population in Collier County, Florida		
Disability Status	2010-2014	
	Count	Share of Total
By Age		
Total population	332,654	100.0%
With a disability	37,892	11.4%
Population under age 65	239,638	100.0%
With a disability	15,137	6.3%
Population age 65 and over	93,016	100.0%
With a disability	22,755	24.5%
By Type of Disability		
Total disabled population	37,892	100.0%
Hearing difficulty	14,175	37.4%
Vision difficulty	6,590	17.4%
Cognitive difficulty	11,601	30.6%
Ambulatory difficulty	19,484	51.4%
Self-care difficulty	6,483	17.1%
Independent living difficulty	13,893	36.7%

Source: 2010-2014 American Community Survey Tables B18101 to B18107

Share of the Population with a Disability by Census Tract in Collier County, 2010-2014



Source: 2010-2014 5-Year American Community Survey Table B18101

Religious Affiliation

Religion is not one of the questions surveyed by the U.S. Census Bureau making dependable, comprehensive data on religious affiliation difficult to find. The data used in this report is made available by the Association of Statisticians of American Religious Bodies, which details religious affiliation down to a county level. While this data does not permit an analysis of concentrations of people of various religious affiliations within the county, it does offer a useful survey of the major religious groups present in the county and their relative shares of adherents. The share of Collier County's population claiming a religious affiliation of any type (36.3% of the population) was less than that of both Florida (41.9%) and the United States (53.0%) as a whole. Among those Collier County residents claiming a religious affiliation, most were Catholic, followed by Evangelical Protestants.

Religious Affiliation	2010	
	Count	Share
Catholic	47,702	14.8%
Evangelical Protestant	36,176	11.3%
Mainline Protestant	18,599	5.8%
Black Protestant	1,117	0.3%
Orthodox	1,730	0.5%
Other	5,710	1.8%
Judaism	1,847	0.6%
Muslim	1,397	0.4%
Other	2,466	0.8%
Unclaimed	210,486	65.5%
Total Population	321,520	100.0%

Source: Association of Statisticians of American Religious Bodies, *2010 U.S. Religion Census: Religious Congregations & Membership Study*

Sexual Orientation and Gender Identity

Sexual orientation and gender identity are not specifically named as protected classes under the federal Fair Housing Act, however, a lesbian, gay, bisexual, or transgender person may experience discrimination due to his or her sexual orientation or gender identity that is considered to be unlawful under one of the existing classes protected by the statute. Additionally, discrimination on the basis of sexual orientation or gender identity may violate federal regulations if perpetrated by an entity funded or insured by HUD or the Federal Housing Administration.

Currently no comprehensive, uniform data on sexual orientation is collected, however, analysis of Census data can approximate the distribution and concentration of same sex couples. The Williams Institute at the UCLA School of Law adjusts Census 2010 tabulations of state-level data where a head of household has indicated a “husband/wife” or “unmarried partner” relationship with another same-sex adult in the household. While this methodology is not perfect (e.g. same-sex couples where neither is the head of household are not counted and different-sex couples who may have miscoded their gender are included), it is a reasonably reliable source in the absence of a more direct sexual orientation question in the census surveys. It must also be noted that data on same-sex couples, while related to issues of sexual orientation, does not approximate or substitute for data on the lesbian, gay, bisexual, and transgender population as a whole.

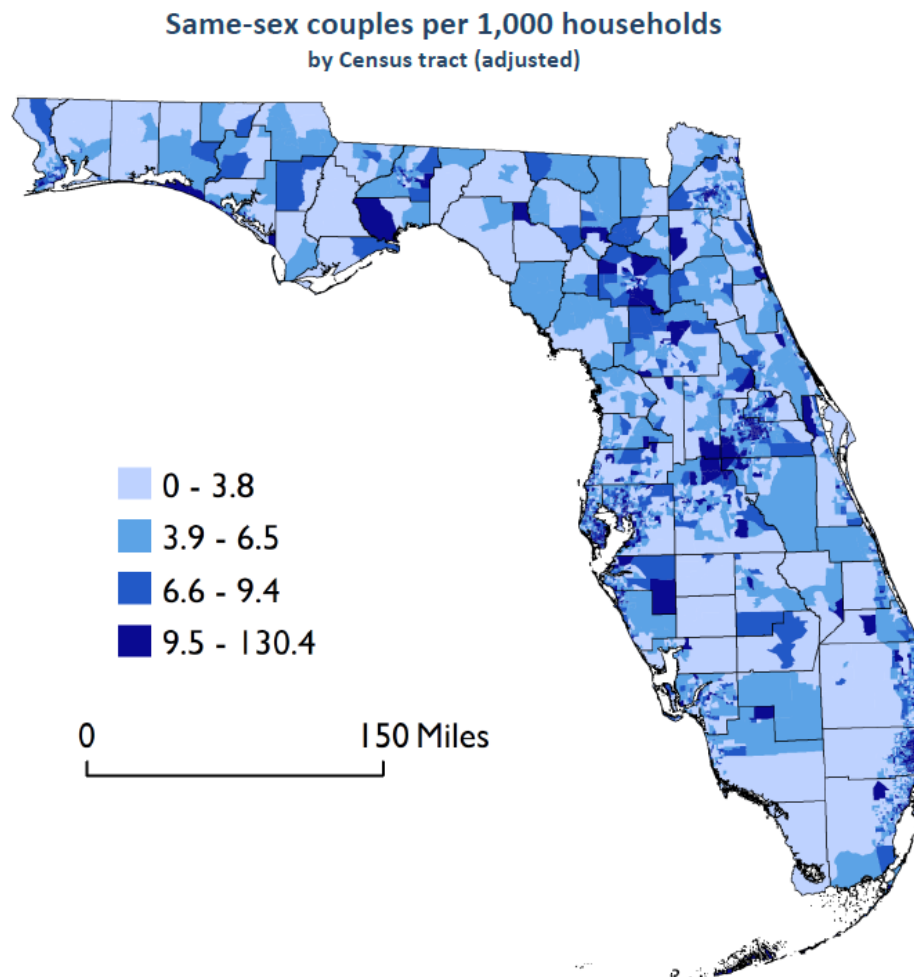
The Williams Institute’s 2010 data showed 48,496 same-sex couples in Florida, or 6.5 per 1,000 households. While adjusted tract-level data is mapped for the state as a whole, the raw data is available only down to the county level. By that count, Collier County ranked 36th of Florida’s 67 counties for its number of same-sex couples, with an adjusted total of 572 or 4.3 per 1,000 households. The table below compares Collier County with neighboring counties.

Jurisdiction	State Rank	Number of Same-Sex Couples	Same-Sex Couples per 1,000 Households	Percent Same-Sex Male Couples	Percent Same-Sex Female Couples	Percent with Children
Collier County	36	572	4.3	44%	56%	19%
Lee County	17	1,446	5.6	45%	55%	13%
Hendry County	---	39	3.3	42%	58%	43%
Broward County	2	7,771	11.3	76%	24%	10%
Miami-Dade County	11	5,457	6.3	62%	38%	16%
Monroe County	1	613	18.8	77%	23%	12%
State of Florida	---	48,496	6.5			

Source: The Williams Institute: UCLA School of Law, “Florida Census Snapshot: 2010”

The county comparison is noteworthy for the large degree of variation, even between neighboring counties, in the presence of same-sex couples. As a percentage of total households, Monroe County has more than four times the rate of same-sex couples as does Collier County. Also significant is the difference in male versus female same-sex couples between these two counties. A little more than half of the same-sex couples in Collier County were female whereas in Monroe County, more than three quarters of same-sex couples were male.

Although the Williams Institute only provides the raw data down to the county level, it offers state maps of tract level data. The map below shows that Collier County has concentrations of same-sex couples in Immokalee and in East Naples, north of the I-75 corridor.



Segregation Analysis

Segregation, or the degree to which two or more racial or ethnic groups live geographically separate from one another, can directly affect the quality of life in cities and neighborhoods. A study by the Federal Reserve Bank of Cleveland compared the economic growth of more than 100 areas in the U.S. between 1994 and 2004 and concluded that racial diversity and inclusion was “positively associated with a host of economic growth measures, including employment, output, productivity, and per capita income.”¹² In general, diverse communities have been found to benefit from greater innovation arising out of the varied perspectives within the community. Additionally, multilingual and multicultural regions are best positioned for success in the global marketplace.

Despite the economic and other advantages of diversity, patterns of racial and ethnic segregation remain prevalent in many regions and cities. Segregation is typically perceived of negatively, but it is important to note that it is not always due to overt housing discrimination. In fact, there could be at least three reasons why patterns of segregation exist:

- personal preferences cause individuals to want to live in neighborhoods with others of a particular race and ethnicity;
- income differences across race and ethnic groups limit the selection of neighborhoods where persons of a particular race and ethnicity can live; and
- illegal discrimination in the housing market limits the selection of neighborhoods where persons of a particular race and ethnicity live.

Regardless of the causes of segregation, its effects can be detrimental. “Numerous studies have focused on the possible effects of residential neighborhoods on social and economic outcomes. Persistent economic and racial residential segregation is implicated in enduring racial and ethnic inequality.”¹³ For example, research demonstrates that African American homeowners earn less equity in their non-rental homes because their incomes are lower and they reside in areas that are more segregated. “Individuals take account of the race-ethnic composition of neighborhoods when deciding if and where to move. These patterns may result from a number of underlying social processes. While race-ethnic prejudice may govern residential choices to some degree, the ethnic composition of a neighborhood is also

¹² PolicyLink. 2011. “America’s Tomorrow: Equity is the Superior Growth Model.” http://www.policylink.org/atf/cf/%7B97c6d565-bb43-406d-a6d5eca3bbf35af0%7D/SUMMIT_FRAMING_WEB_FINAL_20120127.PDF

¹³ Bruch, E. 2005. “Residential Mobility, Income, Inequality, and Race/Ethnic Segregation in Los Angeles.” Princeton, NJ: Princeton, University, pp. 1.

correlated with other factors that determine neighborhood attractiveness. For example, neighborhoods vary in levels of crime, quality housing, and poverty.”¹⁴

The task in this Segregation Analysis is to determine the degree to which residents of Collier County are segregated by race and ethnicity, based on population counts from the 2000 and 2010 U.S. Censuses.

Residential segregation is the degree to which two or more racial or ethnic groups live geographically separate from one another. Early in the field of residential segregation analysis Duncan and Duncan¹⁵ defined a “dissimilarity index” which became the standard segregation measure for evenness of the population distribution by race. By 1988 researchers had begun pointing out the shortcomings of dissimilarity indices when used apart from other measures of potential segregation. In a seminal paper, Massey and Denton¹⁶ drew careful distinctions between the related spatial concepts of sub-population distribution with respect to evenness (minorities may be under- or over-represented in some areas) and exposure (minorities may rarely share areas with majorities thus limiting their social interaction).

This analysis will use the methodology set forth by Duncan and Duncan for the measurement of evenness of the population distribution by race (dissimilarity index) as well as measures of exposure of one race to another (exposure and isolation indices), based on the work of Massey and Denton. Workers in the field generally agree that these measures adequately capture the degree of segregation. These measures have the advantage of frequent use in segregation analyses and are based on commonsense notions of the geographic separation of population groups. An additional analysis for the entropy index will provide a measure of multi-group diversity not accounted for by the other indices which necessarily are limited to two racial or ethnic groups at a time.

Dissimilarity Index

The Dissimilarity Index (DI) indicates the degree to which a minority group is segregated from a majority group residing in the same area because the two groups are not evenly distributed geographically. The DI methodology requires a pair-wise calculation between the racial and ethnic groups in the region. Evenness, and the DI, are maximized and segregation minimized when all small areas (census tracts in this analysis) have the same proportion of minority and majority members as the larger area in which they live (here, Collier County).

¹⁴ Bruch, 2005.

¹⁵ Duncan, Otis D., and Beverly Duncan. 1955. “A Methodological Analysis of Segregation Indices.” *American Sociological Review*, Vol. 20.

¹⁶ Massey, Douglas, S. and Denton, N. A., 1988. “The Dimensions of Residential Segregation.” *Social Forces*, Vol. 67, No. 2, University of North Carolina Press.

Evenness is not measured in an absolute sense, but is scaled relative to some other group. The DI ranges from 0.0 (complete integration) to 1.00 (complete segregation). HUD identifies a DI value between 0.41 and 0.54 as a moderate level of segregation and 0.55 or above as a high level of segregation.

The countywide proportion of the minority population can be small and still not be segregated if evenly spread among tracts. Segregation is maximized when no minority and majority members occupy a common area. When calculated from population data broken down by race or ethnicity, the DI represents the proportion of minority members that would have to change their area of residence to achieve a distribution matching that of the majority (or vice versa).

Although the literature provides several similar equations for the calculation of the DI, the one below is the most commonly used. This equation differences the magnitude of the weighted deviation of each census tract's minority share with the tract's majority share which is then summed over all the tracts in the region:¹⁷

$$D = \left(\frac{1}{2}\right) \sum_{i=1}^n \left| \frac{Min_i}{Min_T} - \frac{Maj_i}{Maj_T} \right|$$

where:

D = Dissimilarity Index;

Min_i = Minority group population of census tract i;

Min_T = Minority group regional population;

Maj_i = Majority group population of census tract i;

Maj_T = Majority group regional population; and

n = Total number of census tracts in the region.

The table below presents the results of these calculations between non-Latino Whites, non-Latino Blacks, non-Latino Asians, and Latinos in Collier County.¹⁸ The graph that follows presents the same data in a visual format so that trends can be more readily identified.

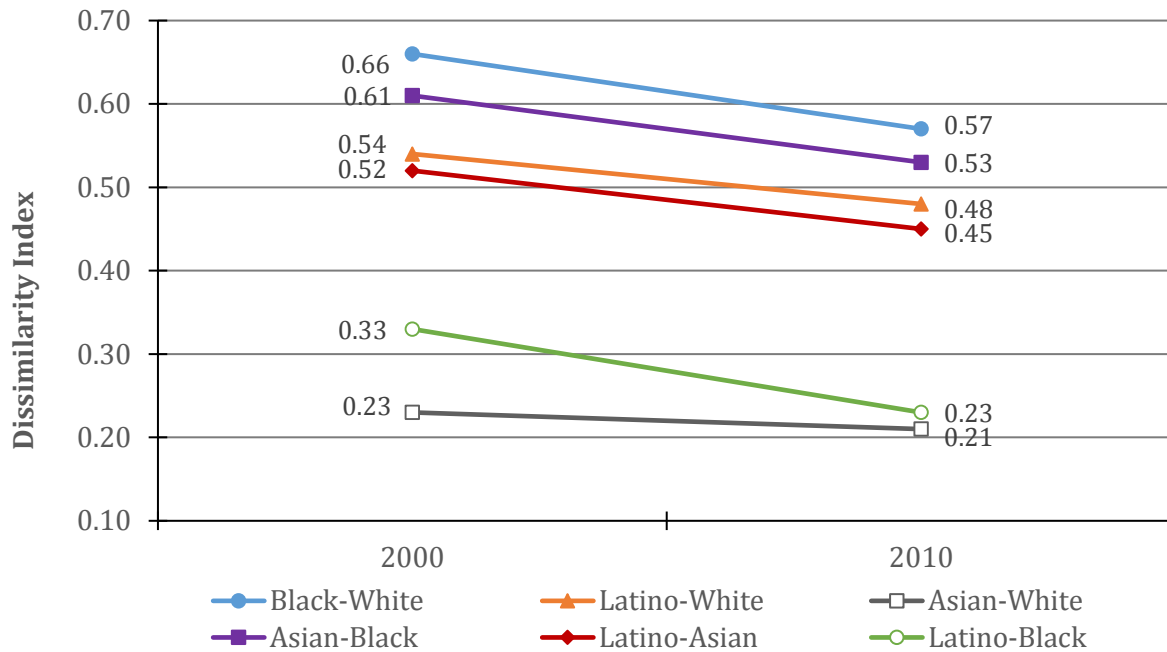
¹⁷ Calculation after Desegregation Court Cases and School Demographics Data, Brown University, Providence, Rhode Island. Source: <http://www.s4.brown.edu/schoolsegregation/desegregationdata.htm>. Accessed February 27, 2013.

¹⁸ The DI methodology requires that each group be distinct from each other. Each racial or ethnic group cannot overlap. This study focuses primarily on four groups: Hispanics, non-Hispanic Whites, non-Hispanic Blacks, and non-Hispanic Asians (to be called "Whites," "Blacks," and "Asians" for simplicity).

Table 14. Dissimilarity Index for Collier County			
Group Exposure	2000	2010	Change
Black-White	0.66	0.57	-0.09
Latino-White	0.54	0.48	-0.06
Asian-White	0.23	0.21	-0.02
Asian-Black	0.61	0.53	-0.08
Latino-Asian	0.52	0.45	-0.07
Latino-Black	0.33	0.23	-0.10

Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

Figure 3. Dissimilarity Index by Race and Ethnicity in Collier County



Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

The DI calculations range from 0.21 for Asian and White residents to 0.57 for Black and White residents, as of 2010. One pairing shows a high level of segregation (0.57 for Black and White residents), while three of the six pairings show a moderate level of segregation (Asians and Blacks, Latinos and Asians, and Latinos and Whites). Two pairings had a low level of segregation – Latino and Black residents (DI = 0.23) and Asian and White residents (DI = 0.21).

The highest level of segregation in Collier County in 2010 was between Black and White residents (0.57, down from 0.66 in 2000). This can be interpreted as meaning that 57% of

Black residents or 57% of White residents would have to move census tracts in order for the two groups to be identically distributed geographically and thus eliminate segregation.

Overall, the dissimilarity indices indicate that African American and Latino residents in Collier County are likely to live in similar areas, as are White and Asian residents. Black residents are least likely to live in similar areas as Whites and Asians, while Latino residents are moderately segregated relative to Whites and Asians.

For each set of population groups, segregation declined over the last ten years. Since 2000, the dissimilarity index decreases ranged from 0.02 for Asians and Whites to 0.10 for Latinos and Blacks. Lower DIs in 2010 indicate that residential growth and migration patterns over the last decade occurred in such a way as to make each of the four largest racial and ethnic group more likely to reside in similar census tracts.

Exposure Index

Two basic, and related, measures of racial and ethnic interaction are exposure (this section) and isolation (next section). These two indices, respectively, reflect the possibility that a minority person shares a census tract with a majority person (Exposure Index, EI, this section) or with another minority person (Isolation Index, II, next section).

“Exposure measures the degree of potential contact between minority and majority group members.”¹⁹ Exposure is a measure of the extent two groups share common residential areas and so it reflects the degree to which the average minority group member experiences segregation. The EI can be interpreted as the probability that a minority resident will come in contact with a majority resident, and ranges in value from 0.0 to 1.0, where higher values represent lower segregation.

As with the Dissimilarity Index, each calculation of EI involves two mutually exclusive racial or ethnic groups. The EI measures the exposure of minority group members to members of the majority group as the minority-weighted average (the first term in the equation below) of the majority proportion (the second term) of the population in each census tract, which can be written as:

$$Prob = \sum_{i=1}^n \left(\frac{Min_i}{Min_T} \right) \left(\frac{Maj_i}{Tot_i} \right)$$

where:

Prob = Probability that minority group members interact with majority group members

Min_i = Minority group population of census tract i;

¹⁹ Massey and Denton, 1988.

Min_T = Minority group regional population;
 Maj_i = Majority group population of census tract i ;
 Tot_i = Total population of census tract i ; and
 n = Total number of census tracts in the region.

The EI is not “symmetrical” so the probability of a typical Black person meeting a White person in a tract is not the same as the probability of a typical White person meeting a Black person in that tract. An illustrative example of this asymmetry is to imagine a census tract with many White residents and a single Black resident. The Black person would see all White people, but the White residents would see only one Black person. Each would see a much different world with respect to group identification.

The maximum value of the EI depends both on the distribution of racial and ethnic groups and on the proportion of minorities in the area studied. Generally, the value of this index will be highest when the two groups have equal numbers and are spread evenly among tracts (low segregation). If a minority is a small proportion of a region’s population, that group tends to experience high levels of exposure to the majority regardless of the level of evenness.²⁰

The “Exposure Index” table shows that in 2010 the typical probability of a Black person interacting with a White person within their census tract was 40%, while the probability of a White person interacting with a Black person was much lower at 4%. These rates can also be interpreted to mean that on average 40 of every 100 people a Black person met were White, but only 4 of every 100 people a White person met were Black.

Asians and Latinos both had high likelihoods of interacting with Whites (72% and 44%, respectively). These exposure rates reflect the fact that White residents make up the largest population share, along with the fact that Asians and Whites tend to have similar residential patterns in Collier County (as show through the dissimilarity index).

In contrast, White residents’ exposure to Asian residents was low (1%), reflecting their very small population share. Exposure to Hispanic residents was considerably higher at 17% for Whites, 21% for Asians, and 43% for African Americans. Other minority group pairings all have relatively low EIs (0.10 or below), indicating limited interaction between these groups.

The “Exposure Index by Race and Ethnicity” graph shows two downward sloping lines indicating declines in exposure of Latino and Asian population segments to Whites. These

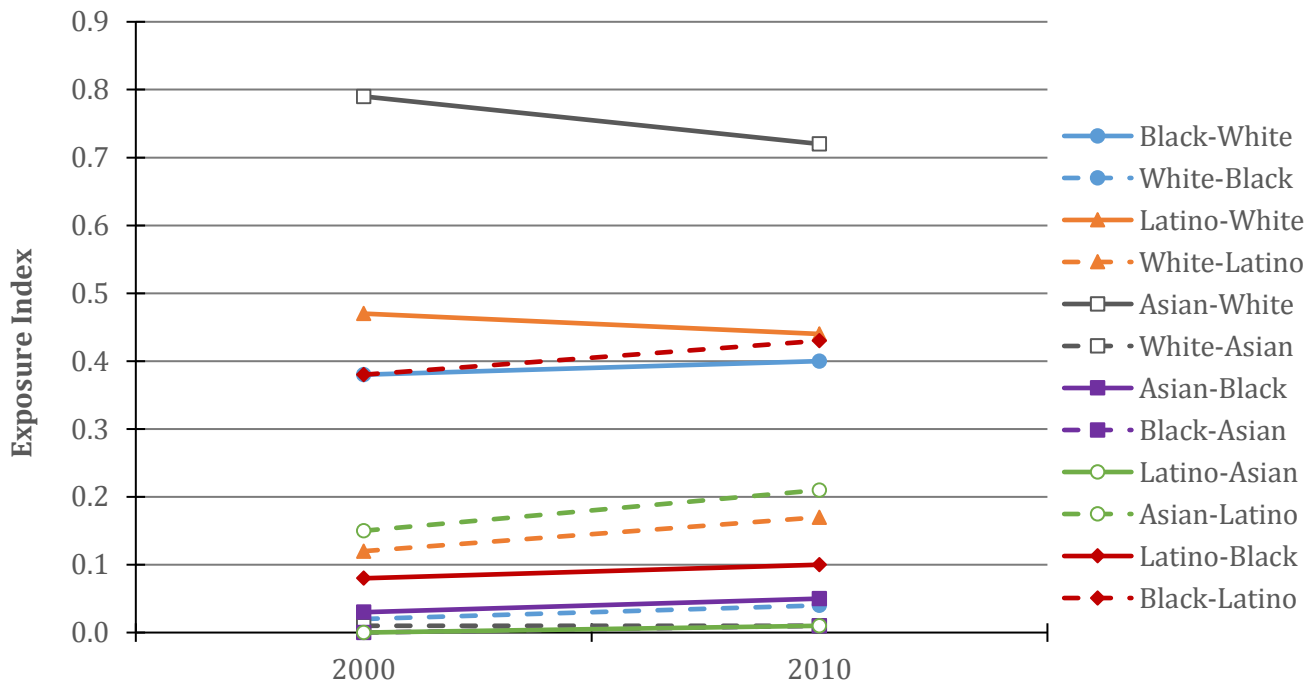
²⁰ John Iceland, Weinberg D.H., and Steinmetz, E. 2002. “Racial and Ethnic Residential Segregation in the United States: 1980-2000.” U.S. Census Bureau. Paper presented at the annual meetings of the Population Association of America, Atlanta, Georgia.

declines may reflect increasing diversity in Collier County, as more minority population shares increase and the White share decreases. For all other population groups, small increases in exposure (0.01 to 0.06) were seen between 2000 and 2010.

Table 15. Exposure Index in Collier County			
Interacting Groups	2000	2010	Change
Black-White	0.38	0.40	0.02
White-Black	0.02	0.04	0.02
Latino-White	0.47	0.44	-0.03
White-Latino	0.12	0.17	0.05
Asian-White	0.79	0.72	-0.07
White-Asian	0.01	0.01	0.00
Asian-Black	0.03	0.05	0.02
Black-Asian	0.00	0.01	0.01
Latino-Asian	0.00	0.01	0.01
Asian-Latino	0.15	0.21	0.06
Latino-Black	0.08	0.10	0.02
Black-Latino	0.38	0.43	0.05

Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

Figure 4. Exposure Index by Race and Ethnicity in Collier County



Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

Isolation Index

The Isolation Index (II) measures “the extent to which minority members are exposed only to one another” (Massey and Denton, p. 288). Not a measure of segregation in a strict sense, the II is a measure of the probability that a member of one group will meet or interact with a member of the same group. The II can be viewed more as a measure of sociological isolation.

A simple change in notation from the Exposure Index equation yields the formula for the Isolation Index given below. This measure is calculated for one racial or ethnic group at a time so unlike the DI or EI, it does not compare the distribution of two groups. Instead, each calculation measures the isolation of a single group.

Similar to the EI, this index describes the average neighborhood for racial and ethnic groups. It differs in that it measures social interaction with persons of the same group instead of other groups. The II is the minority weighted average (the first term of the equation) of each tract’s minority population (the second term) and can be defined as:

$$Prob = \sum_{i=1}^n \left(\frac{Min_i}{Min_T} \right) \left(\frac{Min_i}{Tot_i} \right)$$

where:

Prob = Probability that minority group members share an area with each other;

Min_i = Minority group population of census tract i;

Min_T = Minority group regional population;

Tot_i = Total population of census tract i; and

n = Total number of census tracts in the region.

The II is a region-level measure for each race/ethnicity summed up from tracts within the region. The II can be interpreted as a probability that has a lower bound of 0.0 (low segregation corresponding to a small dispersed group) to 1.0 (high segregation implying that group members are entirely isolated from other groups).

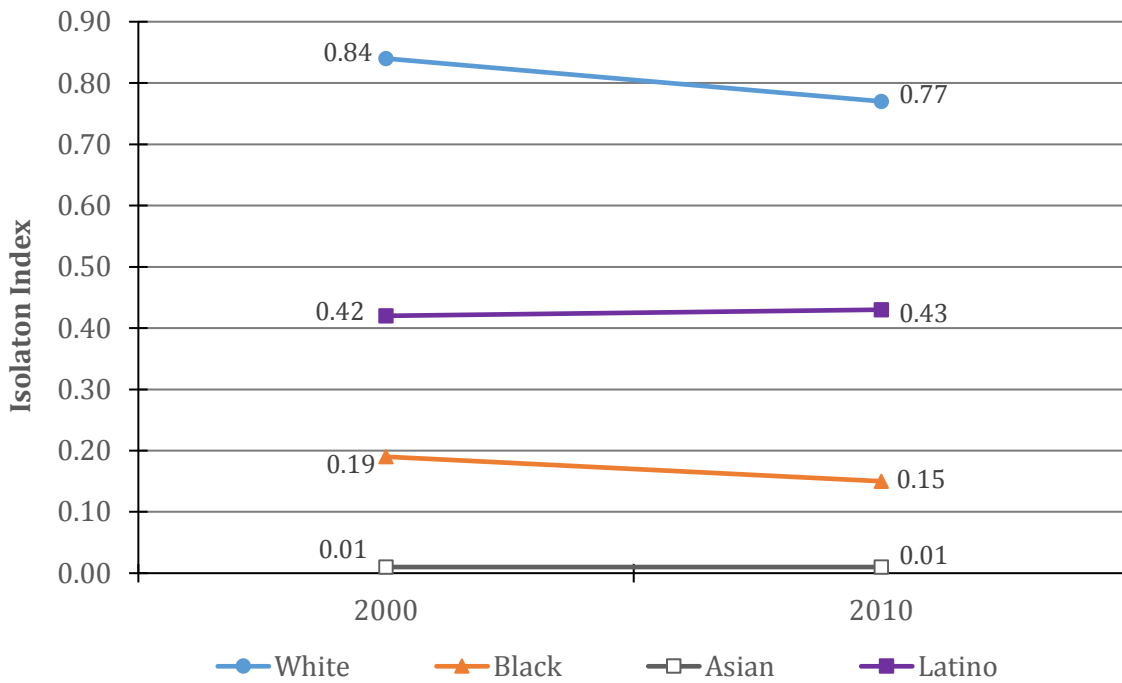
The Isolation Index values for Collier County show Whites to be the most isolated, in effect segregated, from other racial and ethnic groups. In 2010, the average White resident lived in a tract that was 77% White, down from an average of 84% in 2000. The Latino isolation index was the second highest at 0.43. Over the last decade, isolation for White and African

American residents declined (indicating increased residential integration), while figures for Asians and Latinos remained relatively constant.²¹

Table 16. Isolation Index in Collier County			
Group	2000	2010	Change
White	0.84	0.77	-0.07
Black	0.19	0.15	-0.04
Asian	0.01	0.01	0.00
Latino	0.42	0.43	0.01

Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

Figure 5. Isolation Index by Race and Ethnicity in Collier County



Sources: U.S. Census 2000 SF1 Table P008 and 2010 SF1 Table P5

²¹ The Exposure and Isolation Index methodologies implicitly assumes that the tract populations are evenly distributed within a census tract so that the frequency of social interactions is based on the relative population counts by tract for each race or ethnicity. Within actual neighborhoods racial and ethnic groups are not homogenous (e.g., families or small area enclaves) so that the chances of one group meeting another of the same group may be different than an even distribution might imply.

Housing Profile

This housing need assessment presents a snapshot of current housing conditions in Collier County, including characteristics of the housing stock, housing cost and affordability, subsidized housing locations, and the availability of accessible housing.

Housing Stock Characteristics

According to the 2010-2014 American Community Survey, there are an estimated 199,818 housing units in Collier County, an increase of 38.2% since 2000. Over one-third of these homes are vacant (36.8%), well above the national vacancy rate of 12.5%. As Table 17 shows, the county's supply of seasonal housing is the driving factor behind its high vacancy rate – more than three-fourths of vacant units are for seasonal, recreational, or other occasional use. Other vacancies, however, did increase significantly since 2000, by 149.8% in comparison to 22.7% for occupied housing units.

	2000	2010-2014	Change from 2000 to 2010-2014
Total Housing Units	144,536	199,818	38.2%
Occupied Housing Units	102,973	126,331	22.7%
Vacant Housing Units	41,563	73,487	76.8%
For Seasonal, Recreational, Occasional Use	34,337	55,438	61.5%
Other Vacant Units	7,226	18,049	149.8%
Vacancy Rate	28.8%	36.8%	+8.0 points

Sources: U.S. Census 2000 SF1 Tables H003 and H005; 2010-2014 5-Year American Community Survey Tables B25002 and B25004

The large majority of housing in Collier County is owner-occupied – 72.9% compared to 64.4% in the U.S (see Table 18). Exactly half of homes are single family detached and 37.7% are multifamily (2 or more units). While the share of multifamily housing is above that of the nation (25.9%), it is notable that owner-occupied housing outnumbers rental housing for every structure type. Condominium units (i.e., owner-occupied housing with more than 5 units per structure) make up 15.1% of housing in Collier versus 2.1% in the U.S.

Variety in terms of tenure and structure type is important in providing housing options to meet the needs of all residents, including low-income, elderly, persons with disabilities, and other special needs populations. Multifamily housing, including rental apartments, are often

more affordable than single-family homes for low- to moderate-income households and those with fixed incomes. Multifamily units may also be the preference of elderly and disabled householders who are unable or do not desire to maintain a single-family home.

Table 18. Housing Units by Structure Type in Collier County, 2010-2014						
Units in Structure	Owner		Renter		Total	
	Number	Share	Number	Share	Number	Share
1, detached	54,714	59.4%	8,429	24.6%	63,143	50.0%
1, attached	7,115	7.7%	1,998	5.8%	9,113	7.2%
2 to 4	6,536	7.1%	5,804	16.9%	12,340	9.8%
5 to 9	5,833	6.3%	5,439	15.9%	11,272	8.9%
10 to 49	8,875	9.6%	8,332	24.3%	17,207	13.6%
50 or more	4,376	4.8%	2,484	7.2%	6,860	5.4%
Mobile home	4,444	4.8%	1,779	5.2%	6,223	4.9%
Other	165	0.2%	8	0.0%	173	0.1%
Total	92,058	100.0%	34,273	100.0%	126,331	100.0%

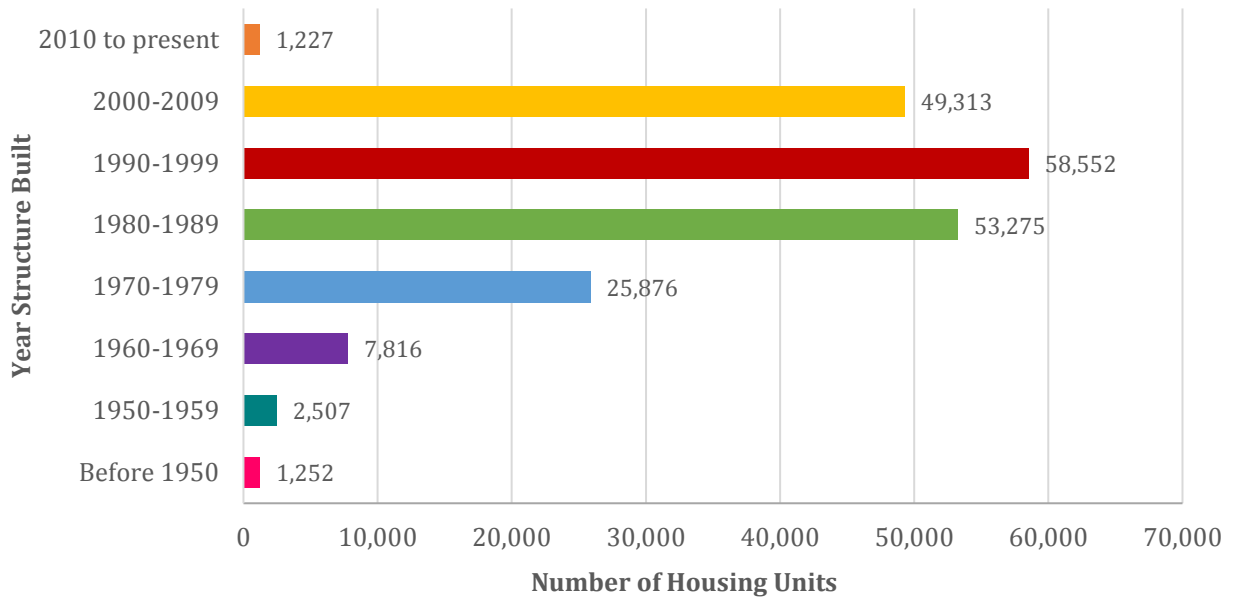
Sources: U.S. Census 2010-2014 5-Year American Community Survey Table B25032

The age of an area’s housing stock can have substantial impact on housing conditions and costs. As housing ages, maintenance costs rise, which can present significant affordability issues for low- and moderate-income homeowners. Aging rental stock can lead to rental rate increases to address physical issues, or deteriorating conditions if building owners opt to defer maintenance. Additionally, homes built prior to 1978 present the potential for lead exposure risk due to lead-based paint.

The figure on the following page shows the age of housing stock for Collier County. The largest share of homes were built during the 1990s (29.3%), followed by the 1980s (26.7%). In comparison to national figures, Collier County’s housing stock is much newer. One-quarter of homes in the county were built since 2000²² versus 15.9% of those nationwide. Homes at elevated risk for lead hazard exposure (those built before 1980) are 18.7% of the county’s stock versus over half (56.3%) across the U.S.

²² Age of housing estimates for Collier County and the state of Florida are taken from the 2010-2014 American Community Survey, which collects data over a five-year time frame to reduce sampling error. Because figures reflect data collected from 2010 to 2014, the estimated number of housing units built since 2010 (1,227 in Collier County) is likely lower than the actual number of recently-built units. The 2014 1-year American Community Survey estimate (reflective of data collected in 2014 only) puts the number of housing units built since 2010 in Collier County at 2,248. Building permit data collected by the U.S. Census Bureau indicates that

Figure 6. Age of Housing in Collier County



Source: U.S. Census Bureau 2010-2014 5-Year American Community Survey Table B25034

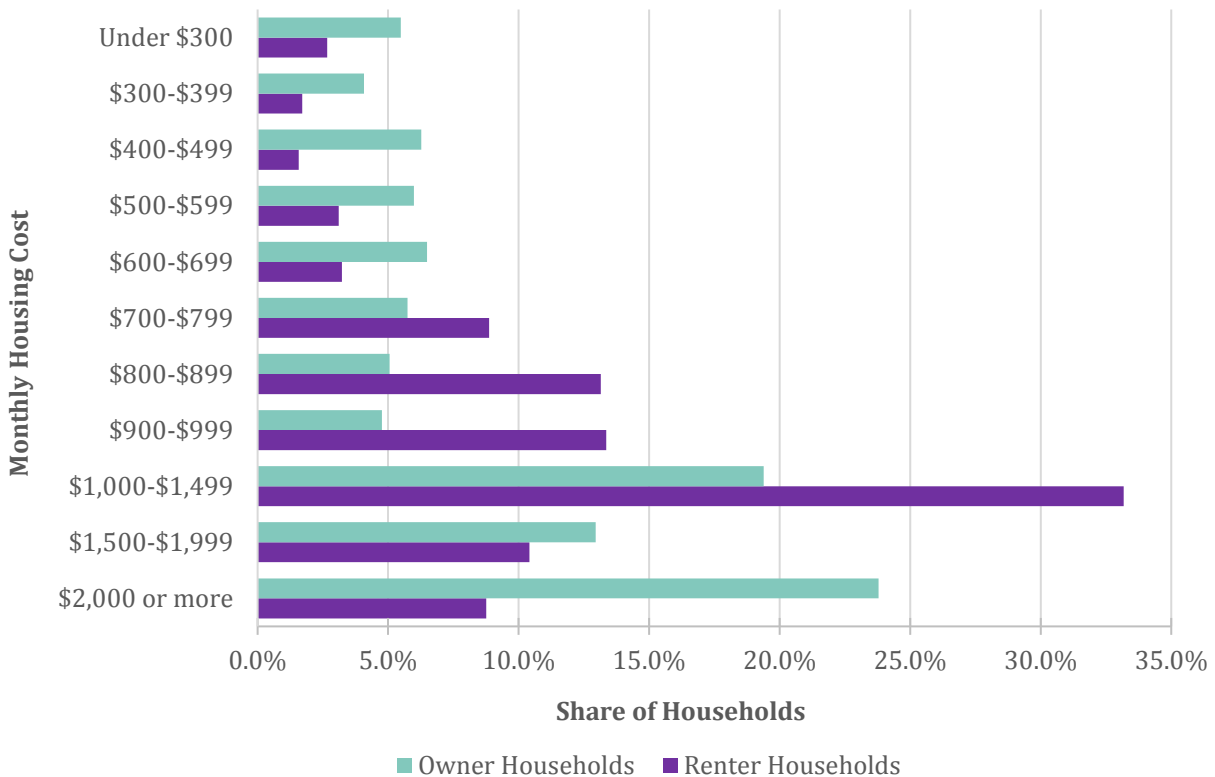
One of the most important aspects of any jurisdiction’s housing stock is the cost associated with owning or renting a home. Stakeholder input overwhelmingly indicated high housing costs as an issue for low- and moderate-income households, as well as middle-income households, including persons employed in education, healthcare, and social assistance industries. Figure 3 below identifies housing costs for households by tenure in Collier County. For owners, monthly housing costs include mortgages, real estate taxes, various insurances, utilities/fuels, mobile home costs, and condominium fees. For renters, costs include contract rent plus utilities.

For owners, the most common range of monthly housing costs is over \$2,000 (23.8%), followed by \$1,000 to \$1,499 (19.4%) and \$1,500 to \$1,999 (13.0%). Together, these cost ranges comprise over half of Collier County owner households. Note that this distribution includes owners with and without a mortgage; lower cost ranges likely represent a large number of owners who do not have mortgages.

Collier County issued permits for 14,270 residential units from 2010 to 2015, of which 71.2% were single-family and 28.8% were multifamily.

Looking at renters, one-third pay between \$1,000 and \$1,499 for monthly housing costs. Thirteen percent spend between \$900 and \$999 and another 13% spend between \$800 and \$899. Only 5.9% of renters pay less than \$500 for housing, indicating a limited supply of housing at the lower priced end of the spectrum, as stakeholders identified. The next section takes a more in-depth look at issues of housing affordability in Collier County.

Figure 7. Monthly Housing Costs in Collier County



Source: U.S. Census Bureau 2010-2014 5-Year American Community Survey Tables B25094 and B25063

Housing Needs

To assess affordability and other types of housing needs, HUD identifies four housing problems:

1. A household is cost burdened if monthly housing costs (including property taxes, insurance, energy payments, water/sewer service, and trash collection for owners and utilities for renters) exceed 30% of monthly household income. A severe cost burden occurs when more than 50% of monthly household income is spent on monthly housing costs.
2. A household is overcrowded if there is more than 1.0 persons per room, not including kitchens and bathrooms. A household is severely overcrowded if there are more than 1.5 persons per room, not including kitchens or bathrooms.

3. A housing unit lacks complete kitchen facilities if it lacks one or more of the following facilities: cooking facilities, a refrigerator, or a sink with piped water.
4. A housing unit lacks complete plumbing facilities if it lacks one or more of the following facilities: hot and cold piped water, a flush toilet, and a bathtub or shower.

To assess housing need, HUD receives a special tabulation of data from the U.S. Census Bureau’s American Community Survey that is largely not available through standard Census products. This data, known as the Comprehensive Housing Affordability Strategy (CHAS) data, counts the number of households that fit certain combinations of HUD-specified criteria, such as housing needs by income level, race, and ethnicity. CHAS data for low- and moderate-income households in Collier County (households with incomes of 80% area median income or less) is provided below.

Table 19. Households with One or More Housing Needs by Income for Collier County						
Income	Renter Households			Owner Households		
	With Needs	Total	Share with Needs	With Needs	Total	Share with Needs
Up to 30% AMI	4,495	5,620	80.0%	4,965	6,380	77.8%
31% to 50% AMI	4,180	5,025	83.2%	5,690	7,760	73.3%
51% to 80% AMI	5,060	6,995	72.3%	7,545	13,230	57.0%
Total up to 80% AMI	13,735	17,640	77.9%	18,200	27,370	66.5%

Source: 2008-2012 CHAS

Note: As of 2015, the median income for the Naples-Marco Island MSA (which includes Collier County) was \$66,500.

According to the 2008-2012 CHAS data (Table 19), there are an estimated 13,735 low- and moderate-income renter households and 18,200 low- and moderate-income owner households with one or more housing needs in Collier County. Over three-fourths of renters with incomes under 80% AMI have at least one housing need, as do two-thirds of owners.

By far the most common housing needs are cost burdens, as Table 20 shows. Of the low- and moderate-income housing needs populations shown, 94.0% of renters and 97.9% of owners spend at least 30% of their income on housing. Owners make up a larger share of the cost burdened population at 27,370 households (a rate of 65.1%) but renters are more likely to face a cost burden (with a rate of 73.2%).

Severe cost burdens affect a smaller but still sizeable share of low/moderate income households – 37.0% of renters and 42.1% of owners. Combined there are a total of 18,045 households with incomes below 80% AMI spending more than half of their income on housing.

While HUD funds are primarily targeted to households with incomes below 80% AMI, higher income bands are also provided in Table 6 to assess other potential housing issues in Collier County. It is typically assumed that those with incomes above 80% AMI have access to enough housing options to secure a unit for less than 30% of their annual income, and thus, that cost burdens at these income levels are results of choice rather than of a limited supply of appropriately affordable housing. Community input, however, indicates that Collier County's high housing costs may preclude many middle income households, including those employed in education, healthcare, and social assistance industries, from affording housing. The data from Table 19 suggests support for these claims – over one-third of renters and two-fifths of owners with incomes from 81%-100% AMI have a cost burden. One-fifth of owners have a severe cost burden.

Looking at all households in Collier County regardless of income or tenure, 40.0% spend more than 30% of their income on housing costs. Of those, about half (or 19.3% of all households) are severely cost burdened.

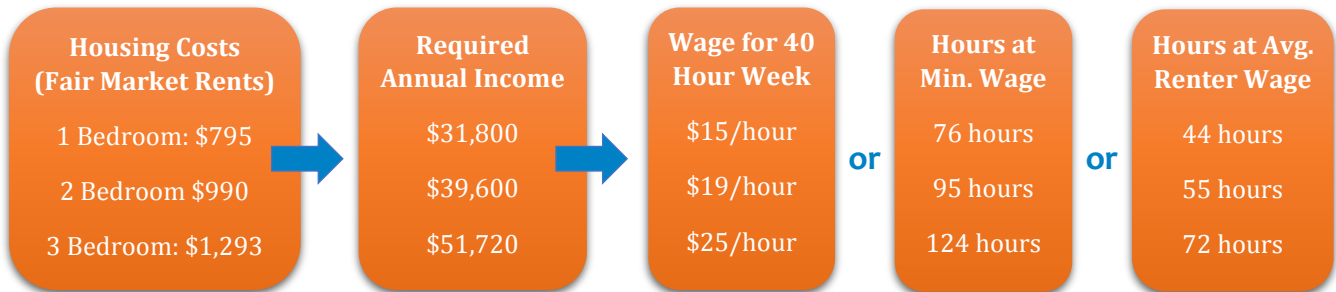
Table 20. Households Cost Burdens and Severe Cost Burdens by Income for Collier County						
Income	Renter Households			Owner Households		
	With Cost Burden	Total	Share with Cost Burden	With Cost Burden	Total	Share with Cost Burden
Housing Cost Burdens						
Up to 30% AMI	4,310	5,620	76.7%	4,920	6,380	77.1%
31% to 50% AMI	3,930	5,025	78.2%	5,575	7,760	71.8%
51% to 80% AMI	4,675	6,995	66.8%	7,315	13,230	55.3%
81% to 100% AMI	1,170	3,380	34.6%	3,765	8,740	43.1%
Over 100% AMI	1,100	8,840	12.4%	11,625	54,965	21.1%
Total	15,185	29,860	50.9%	33,200	91,075	36.5%
Total up to 80% AMI	12,915	17,640	73.2%	17,810	27,370	65.1%
Severe Housing Cost Burdens						
Up to 30% AMI	3,785	5,620	67.3%	4,275	6,380	67.0%
31% to 50% AMI	1,760	5,025	35.0%	3,565	7,760	45.9%
51% to 80% AMI	990	6,995	14.2%	3,670	13,230	27.7%
81% to 100% AMI	290	3,380	8.6%	1,680	8,740	19.2%
Over 100% AMI	330	8,840	3.7%	3,050	54,965	5.5%
Total	7,155	29,860	24.0%	16,240	91,075	17.8%
Total up to 80% AMI	6,535	17,640	37.0%	11,510	27,370	42.1%

Source: 2008-2012 CHAS

Housing Affordability

The National Low Income Housing Coalition’s annual *Out of Reach* report examines rental housing rates relative to income levels for counties and metro areas throughout the U.S. The figure below shows annual household income and hourly wages needed to afford Fair Market Rents (FMRs) in Collier County for one-, two-, and three-bedrooms units.

Figure 8. Required Income, Wages, and Hours to Afford Fair Market Rents in Collier County, 2015



Note: Required income is the annual income needed to afford Fair Market Rents without spending more than 30% of household income on rent. Minimum wage in Collier County is \$8.05; average renter wage is \$13.88.

Source: National Low Income Housing Coalition *Out of Reach* 2015, Accessed from http://nlihc.org/sites/default/files/oor/files/reports/state/OOR_2015_FL.pdf

To afford a one-bedroom rental unit at the Collier County FMR of \$795 without being cost burdened would require an annual income of at least \$31,800. This amount translates to a 40-hour work week at an hourly wage of \$15, a 76-hour work week at the minimum wage of \$8.05, or a 44-hour work week at the average renter wage of \$13.88. The two-bedroom FMR of \$990 translates to an hourly wage of \$19, a 95-hour work week at minimum wage, or a 55-hour work week at the average renter wage. Statewide, a minimum wage employee would need to work about the same number of hours as in Collier: 77 hours per work to afford a one-bedroom unit and 97 for a two-bedroom unit. Work weeks at the average statewide renter wage are also very similar to those in Collier County.

Stakeholder Input

Several housing needs were reported throughout the County. One of the main reported needs was a lack of affordable housing for low-income and moderate income households and a lack of workforce housing that is affordable for the County’s professional class including teachers, police officers, nurses, etc. Many residents reported living in other counties and commuting into the County for work.

Residents reported an increased need for housing and financial assistance for low- income persons, low-income persons with disabilities, and seniors. Stakeholders and residents

identified the high cost of rental application fees and deposits for rent and utilities as a barrier to obtaining housing. East and North Naples were identified as areas in need of affordable housing. Many residents reported moving to Lee County for affordability or “doubling up” with more than one family unit per household. It was reported that even subsidized housing in Immokalee has a high rent for very low- income families. Additionally, Immokalee housing was reported to be substandard.

Residents reported predatory lending practices with source of income discrimination for residents with SSI or Social Security income, immigration status used as a threat, and ESL residents being exploited with landlords charging higher application fees and accepted cash only and refusing to provide receipts.

Finally, stakeholders and residents reported a greater need for accessible housing for disabled residents with mobility issues and supportive service animals. A growing need for senior housing and services was identified, especially given the limited supply of affordable senior housing. Additional senior centers are also needed. There is a need for services for seniors with dementia, especially assistance in securing housing. The need for supportive housing for persons with developmental disabilities was reported with need for case management services. Stakeholders reported that current resources do not meet the need for supportive housing, and this need is likely to grow as parents of adults with development disabilities age and are no longer able to care for them. And, more transitional housing and counseling services are needed for persons with substance abuse issues.

Public Transit and Education

Transportation

Collier Area Transit (CAT) has provided public transportation service in Collier County for over 15 years and is focused on providing transit service that is safe, accessible, and courteous. Based on its quantitative scores for safety, financial controls, and operational efficiency, CAT was named the 2014 Outstanding System of the Year by the Florida Public Transit Association.²³ The CAT system offers fixed-route bus service seven days a week from 6:00 am to 7:30 pm and a door-to-door, shared-ride paratransit service for those who are not able to access any other mode of transportation.

According to the National Transit Database records, CAT reported over 1.1 million passenger trips in 2014, plus an additional 86,000 paratransit trips. The average number of weekday passenger trips in 2014 was 3,624 using conventional bus service and 316 using paratransit service. CAT reported a total fleet of 46 vehicles.²⁴ The transit system provides service throughout the urbanized communities along the coast and inland to Immokalee. The map on the following page shows the CAT routes and service area.²⁵ A fare schedule appears in the table below.

Table 21. Collier Area Transit (CAT) Fare Schedule		
Service Categories	Fare	Reduced Fare
One-way Fare	\$1.50	\$0.75
Children 5 years and younger	Free	Free
Marco Express	\$2.50	\$1.25
Transfers	\$0.75	\$0.35
Day Passes	\$4.00	\$2.00
Smart Card Passes		
7-Day Pass	\$15.00	\$7.50
30-Day Pass	\$35.00	\$17.50
Marco Express 30-Day Pass	\$70.00	\$35.00

Source: Collier Area Transit. Retrieved from <http://www.colliergov.net/your-government/divisions-f-r/public-transit-neighborhood-enhancement/our-services/collier-area-transit-cat/bus-fare-information>

²³ http://www.masstransitmag.com/press_release/12015657/cat-named-2014-outstanding-system-of-the-year-by-fpta

²⁴ <http://www.ntdprogram.gov/ntdprogram/data.htm>



Source: Collier Area Transit, Accessed February 21, 2016. <http://www.colliergov.net/your-government/divisions-f-r/public-transit-neighborhood-enhancement/our-services/collier-area-transit-cat/system-map>



Source: Collier Area Transit, Accessed February 21, 2016 <http://www.colliergov.net/your-government/divisions-f-r/public-transit-neighborhood-enhancement/our-services/collier-area-transit-cat/system-map>

As illustrated in the above fare schedule, CAT offers reduced fares to those receiving Medicaid, people with disabilities, people age 65 and older and children age 17 and younger. Fares for paratransit service are variable from \$1 to \$7 per one-way trip and depend upon a customer's income and/or disability status.²⁶

In addition to public transportation options, the mobility of Collier County residents is supported by a network of roads and highways. These include Interstate 75 connecting the county to Tampa to the north and Fort Lauderdale to the east, US-41 also reaching northward to Tampa and beyond and east to Miami, and three Florida state highways: State Road 29 (connecting Everglades City to Immokalee and other points north in central Florida), State Road 84 (connecting Naples to Golden Gate and I-75), and State Road 951, also known as Collier Boulevard (connecting North Naples to Marco Island). Despite this strong road network, a 2014 comparison by Bankrate.com found Florida to be the third most expensive state in the U.S. for owning and operating a personal vehicle.²⁷ After combining the costs of gasoline, insurance, and repairs (note that lease or loan payments are not included), the average Florida car owner could expect to spend \$2,516 over the course of a year.

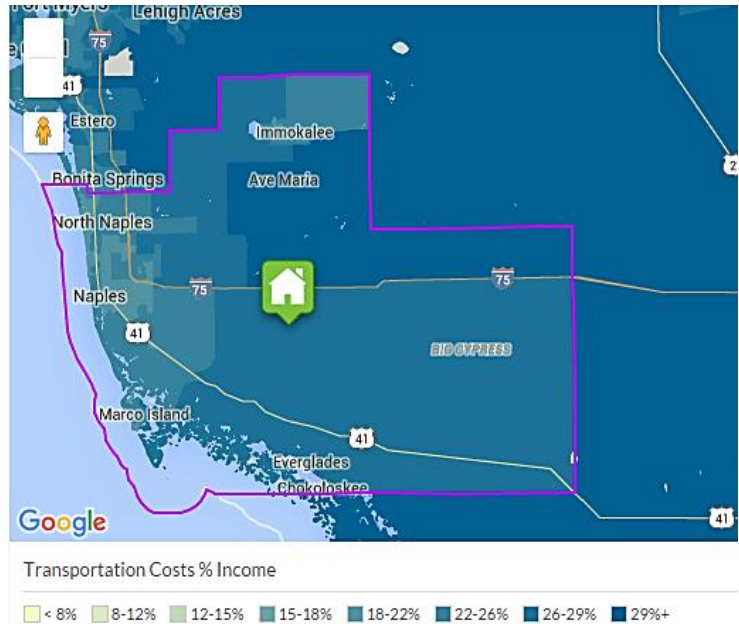
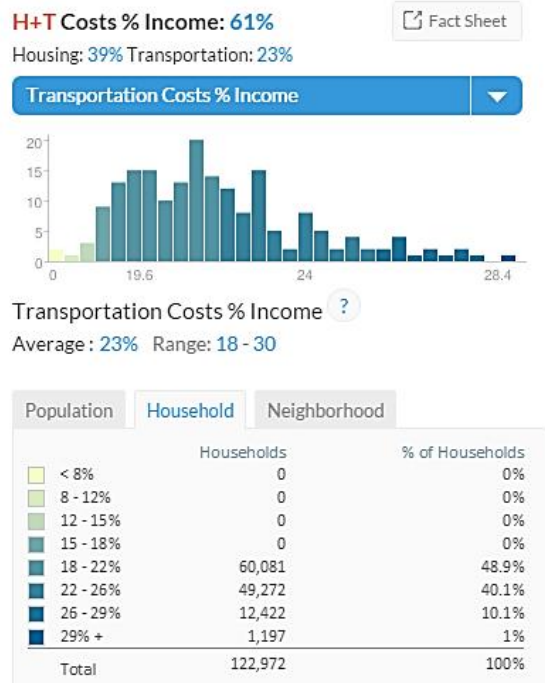
The availability, accessibility, and affordability of transportation options can have a major effect of housing choice. For a household unable to afford car ownership, housing choices may be limited only to areas accessible by public transit in order to enable access to employment or other services. The presence of good roads alone may not be sufficient to open up housing choices if the cost to traverse those roads is prohibitive. This can often be the case when someone lives a long distance from their place of employment in order to minimize housing costs. Several stakeholders interviewed in the course of this research indicated that service workers employed in Naples typically are unable to afford housing there, due to the high cost. However, the further away one lives from an employment center in Naples, the higher her transportation costs become, potentially negating the savings in housing cost.

The Center for Neighborhood Technology (CNT), a nonprofit research organization, has established a Housing and Transportation Affordability Index that integrates these two important factors to provide a more comprehensive understanding of what it costs to live in a place. The graphic on the following page displays the data generated by CNT's index. Based on this analysis, a typical household in the region (which CNT estimates would have an income of \$55,843 and contain 2.64 people, one of whom would commute to work) would

²⁶ Collier Area Paratransit Rider's Guide, October 2012.
<http://www.colliergov.net/home/showdocument?id=28604>

²⁷ Bankrate.com, "Car Ownership Costs By State," Accessed February 21, 2016
<http://www.bankrate.com/finance/auto/car-ownership-costs-by-state.aspx>

spend 23% of its income on transportation costs. The household's combined housing and transportation costs would be 61% of its income.



Source: The Center for Neighborhood Technology. Retrieved from <http://htaindex.cnt.org/map/>

In this analysis, the availability of public transportation to residents of Immokalee appears to be an important factor. While housing costs are lower in Immokalee, transportation costs ranged from 15%-22% of income there, below the average for the county. However, in areas like Ave Maria that are neither served by public transportation nor proximate to employment and economic hubs in Naples, transportation costs were among the highest in the county.

Education

Research indicates that the presence of high quality and high performing educational systems and facilities is a key criteria utilized by residents as they choose where to live. This section reports on the performance of public schools serving the residents of Collier County. The relationships between educational attainment, educational resources, and housing choice will also be explored.

Overview of School District

The Collier County is served by 72 public schools that provide education services for 44,418 students.²⁸ Enrollment of students from racial and ethnic minority groups (63%), primarily

²⁸ www.publicschoolsreview.com. Accessed: February 21, 2016

Hispanic, exceeds enrollment for minority students in the state of Florida (59%). And, the overall student to teacher ratio of 17:1 minimally exceeds the state ratio of 16:1. Private schools have significantly less minority student enrollment and a significantly lower student to teacher ratio. The chart below depicts basic demographic information for the varying types of schools in the Collier County.

Table 22. Collier County School Demographics				
Type of School	Number of Schools	Number of Students	Minority Student Enrollment	Student/Teacher Ratio
Pre-K	30	21,293	67%	14:1
Elementary	44	22,358	67%	14:1
Middle School	22	9,979	59%	17:1
High School	27	13,317	57%	18:1
Charter	5	1,287	56%	15:1
Private	30	3,454	21%	7:1

Source: publicschoolreview.com

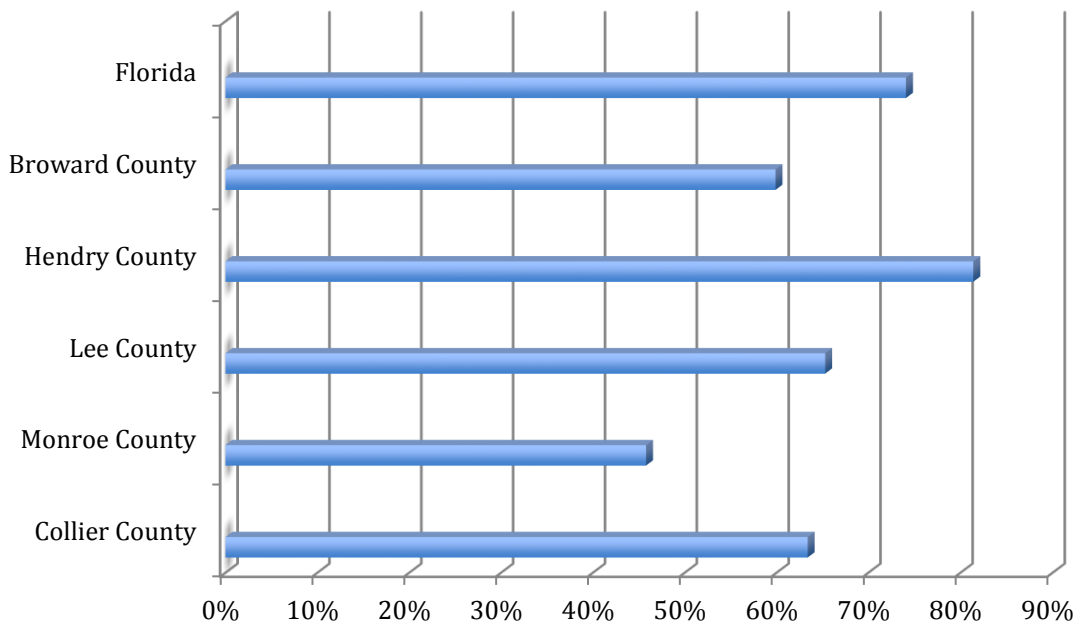
Overall, students in the Collier County public school system experience high rates of poverty, nearly 30% for children under the age of 6 and over 20% of children ages 6-17, or being from poor or low- income families. According to the Association for Supervision and Curriculum development, children from lower income families and children experiencing poverty have higher rates of absenteeism and tardiness and lowered rates of concentration, attention span, comprehension, memory, and academic performance. Children attending schools in areas with high levels of poverty and classmates who are poorer, are more likely to perform poorly in school even if they are not experiencing poverty themselves.

The free and reduced school lunch program is often used to identify children from low-income and poverty stricken areas. Use of the free and reduced lunch program can also indicate factors, such as, lack of food at home that can inhibit concentration and academic performance. In the 2014-2015 academic year, 63.4% of Collier County students qualified for free or reduced school breakfast and/or lunch program. In the County, 25,761 students use the free lunch program, indicating family income at 130% of the federal poverty level, while an additional 2,503 students use the reduced lunch program, representing family incomes at 185% of the federal poverty level. Nineteen schools in Collier County have 90% or more of students participating in the free or reduced lunch program.²⁹ The chart below

²⁹<http://www.collierschools.com/cms/lib/FL01903251/Centricity/domain/86/budget%20book/2015BudgetBookPart1.pdf>. Accessed February 20, 2016

compares use of the free lunch program in Collier County to program use in the State and surrounding counties.

Figure 9. County Free Lunch Eligibility



Homelessness is also a factor impacting high numbers of school age children within the state of Florida. School districts across the State have identified 71, 466 homeless children and youth. State homeless counts indicate that one-third of homeless families have children and youth, and that 11%, or more than 1 in 10, homeless children and youth are unaccompanied by an adult.

Homelessness is proven to present academic barriers with students missing more days from schools and having frequent transfers between schools. Homeless students are also twice as likely to have learning disabilities, four times more likely to experience developmental delays (motor, visual, and speech impairments), and are three times more likely to have emotional or behavioral problems. These barriers frequently resulted in being retained for one or more grades, decreased overall educational attainment, and adulthood poverty requiring use of public assistance programs.³⁰ Quantifying the economic costs of homelessness and poverty is difficult, but studies undertaken by the states of Pennsylvania³¹ and Virginia³² tallied costs exceeding \$40,000 per year for each homeless child based on use of public, social, and mental health services, and future loss income and tax revenue from homeless students who would later drop-out of school. Homeless students are more likely

³⁰ National Association of Child Psychologists. <http://www.nasponline.org/educators/HCHSIIHomeless.pdf>. Accessed: November 22, 2014.

³¹ http://www.icphusa.org/PDF/americanalmanac/Almanac_State_PA.pdf

³² http://www.homelesschildrenamerica.org/pdf/report_cards/short/va_short.pdf

to experience poverty and homelessness as adults. Current estimates indicate that homelessness and poverty costs \$35,000- \$120,000³³ per person annually based on use of public, social, health care, and mental health care services and increased likelihood of detention and incarceration.

Educational Attainment Levels

Collier County has lower completion rates for higher education among residents ages 18-24 and approximately one-quarter of residents for ages 25-34 and ages 35-44. Rates for these age groups likely represent mid-career and senior level workers. However, averages for the age groups between 25 and 44 fall significantly below national averages, which, according to the US Census Bureau, rose to just above 30 percent in 2013. The rate for college completion among residents rises from age 45 through 65+, likely indicating the influx and migration of new residents hoping to engage in business and/or retire in the County. Additionally, rates for high school completion are low for all age groups as compared to national averages that are approximately 90%.

Table 23. Collier County Educational Attainment					
	Age 18-24	Age 25-34	Age 35-44	Age 45-64	Age 65+
Less than High School	25.0%	26.3%	24.8%	13.0%	10.1%
High School Completion or Equivalent	35.1%	73.7%	75.2%	87.0%	89.9%
Bachelor's degree or higher	2.7%	24.3%	24.0%	36.2%	40.7%

Source: 2014 American Community Survey, Table S1501

Poverty rates were higher for residents with lower educational attainment, while median income grew higher as educational attainment increased. Poverty rates for residents who did not complete high school (27.7%) are high, representing over a quarter of residents in this income group. Below is a graphic depiction of poverty rates and median income in relation to educational attainment:

³³ National Center for Children in Poverty. http://nccp.org/publications/pub_888.html. Accessed: November 20, 2014.

Table 24. Collier County Poverty Rates		
Educational Attainment	Poverty Rate	Median Income
Less than high school	27.7%	\$18,624
High school completion or equivalency	13.6%	\$27,006
Some college or associate's degree	6.2%	\$32,331
Bachelor's degree or higher	4.4%	\$41,694
Graduate or professional degree	---	\$61,495

Source: 2014 American Community Survey, Table S1501

School Performance

The Florida Department of Education issues grades for schools ranging from “A” to “F”. For the 2013-2014 school year, the state graded a total of 39 schools in Collier County (excluding high schools and charter schools) Of the schools graded in 15 schools were graded an ‘A’, 4 schools were graded a “B”, 12 schools were graded a “C”, 5 schools were graded a “D”, and 3 schools were graded an F. Village Oaks, Pincrest, and Highland elementary schools each received an “F” for the 2013-2014 school year. Each of these schools is located in Immokalee. Avalon, Eden Park, Golden Gate, and Lake Trafford received grades of “D” and have high rates of minority student enrollment. Stakeholder reports indicate that some schools struggle with limited resources to meet the needs of ESL students. High schools in the County performed better with all schools receiving either an “A” or “B” and 75% of high schools graded as an “A” which exceed the State rate (37%).

The high school graduation rate for the County (82.1%) exceeds the State rate (76.1%) and has steadily increased since 2010, when the graduation rate was 70.6%, The lowest high school graduation rate (73.3%) is at Golden Gate High school and falls below the State rate. Golden Gate High School has 82% minority student enrollment, primarily Latino and a student teacher ratio of 18:1, which exceeds the State ratio of 16:1.³⁴ The schools with the highest high school drop-out rates in 2010 were: Naples Area Teen Parenting (17.98%), Beacon High School (16.86%), Immokalee Area Teen Parenting (13.64%), and Lely High School (10.0%).³⁵

³⁴ <http://old.collierschools.com/docs/nr%20-%20Collier%20High%20School%20Grades%20and%20Graduation%20Rates%202013-2014%20Released.pdf>, Accessed February 23, 2016.

³⁵ www.fldoe.org/.../0086400-dropschl09.

Access to Areas of Opportunity

Among the many factors that drive housing choice for individuals and families are neighborhood factors including access to quality schools, jobs, and healthcare. This section examines these dimensions geographically relative to locations of RCAP/ECAPs, and evaluates levels of access to opportunity by race and ethnicity.

To measure economic and educational conditions at a neighborhood level, HUD's Office of Policy Development and Research developed a methodology to "quantify the degree to which a neighborhood offers features commonly associated with opportunity."³⁶ For each block group in the U.S., HUD provides a score on several "opportunity dimensions," including poverty, school proficiency, labor market engagement, and jobs access, calculated as follows:

- Poverty index – family poverty rates and share of households receiving public assistance;
- School proficiency index – school-level data regarding elementary school student performance on state exams;
- Labor market engagement index – employment levels, labor force participation and educational attainment; and
- Job access index – distance to job locations and labor supply levels.

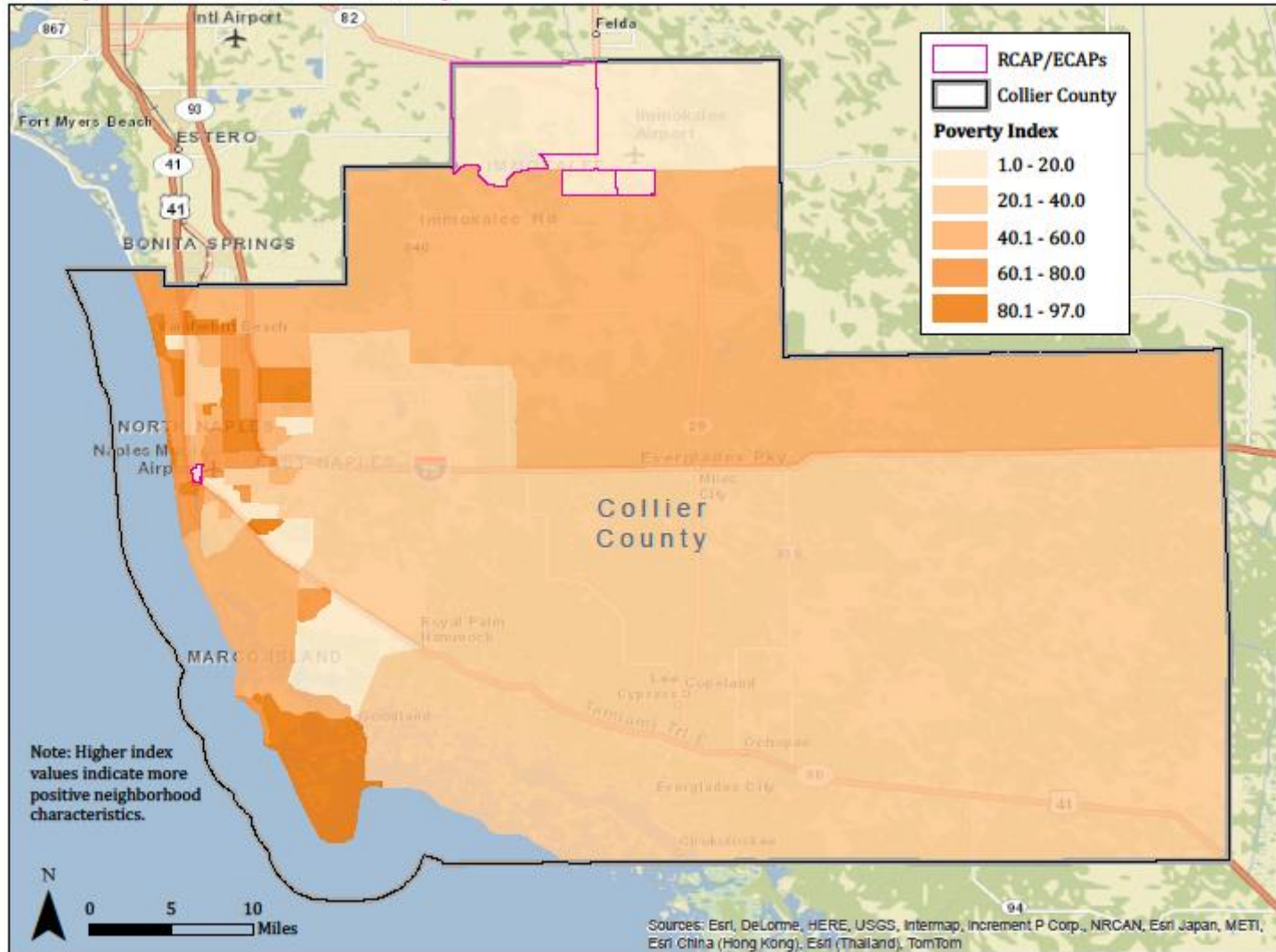
For each block group, a value is calculated for each index and results are then standardized on a 0 to 100 scale based on relative ranking within the metro area (or non-metro balance of the state). For each opportunity dimension, a higher index score indicates more favorable neighborhood characteristics. The maps that follow show the HUD-provided opportunity scores for block groups in Collier County for poverty, school proficiency, labor market engagement, and jobs access. In each map, lighter shading indicates areas of lower opportunity and darker shading indicates higher opportunity.

Poverty Index

Looking at the poverty index, highest indicator values (i.e., lowest poverty and public assistance rates) are in North Naples, Vineyards, Royal Harbor, Lely, and Marco Island. Block groups with the lowest index scores (under 20) are Naples Park, Golden Gate, parts of East Naples including River Park and an area surrounding Eagle Lakes Golf Club. Five of the county's nine RCAP/ECAP block groups had poverty index scores under 5; no RCAP/ECAP block groups had poverty index values above 12, not surprising given that high poverty rates are one of the defining characteristics of RCAP/ECAP tracts. In addition to the nine RCAP/ECAP block groups with poverty index values of 12 or less, the county had another 15 non-RCAP/ECAP block groups, also with values of 12 or less in the poverty index.

³⁶ HUD Office of Policy Development and Research, "FHEA Data Documentation," Draft. 2013. p. 4.

Poverty Index Values for Collier County



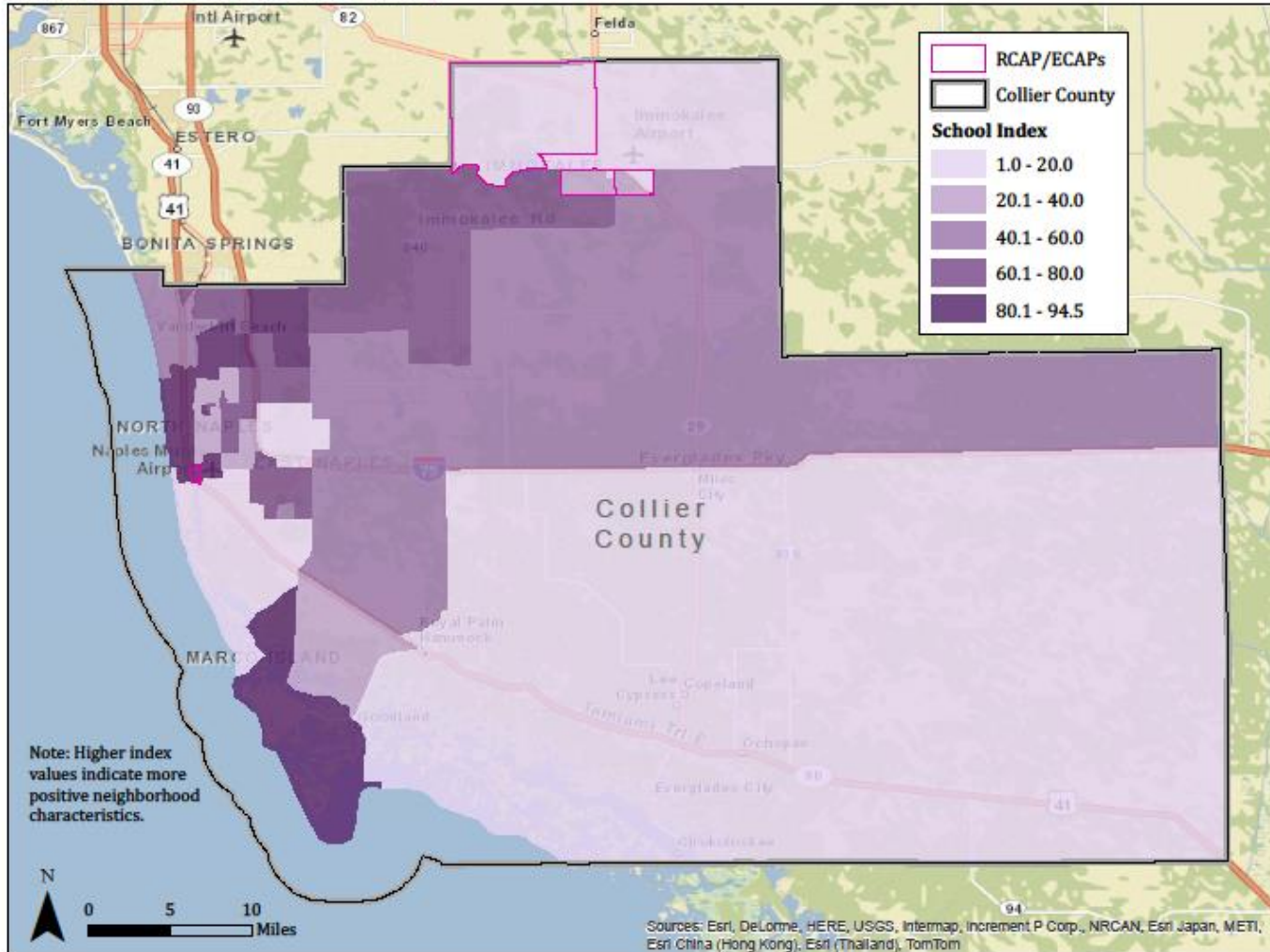
Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

School Proficiency Index

The school proficiency index, based on a HUD-compilation of state testing data from public elementary schools, reveals high index values (i.e., school attendance zones associated with the best-performing schools) in the North Naples neighborhoods surrounding Gulf Coast High School, coastal communities along the US-41 corridor between Naples and North Naples, and Marco Island. Block groups with the lowest index scores (under 20) are found in Immokalee, Golden Gate, Lely, and Naples Manor.

Four of the county's nine RCAP/ECAP block groups had school proficiency index values under 10, but the River Park RCAP/ECAP had an index value of 82.5, among the highest values in the county. This means that, despite containing racially or ethnically concentrated poverty, the population of that tract had access to some of the county's best performing schools.

School Index Values for Collier County



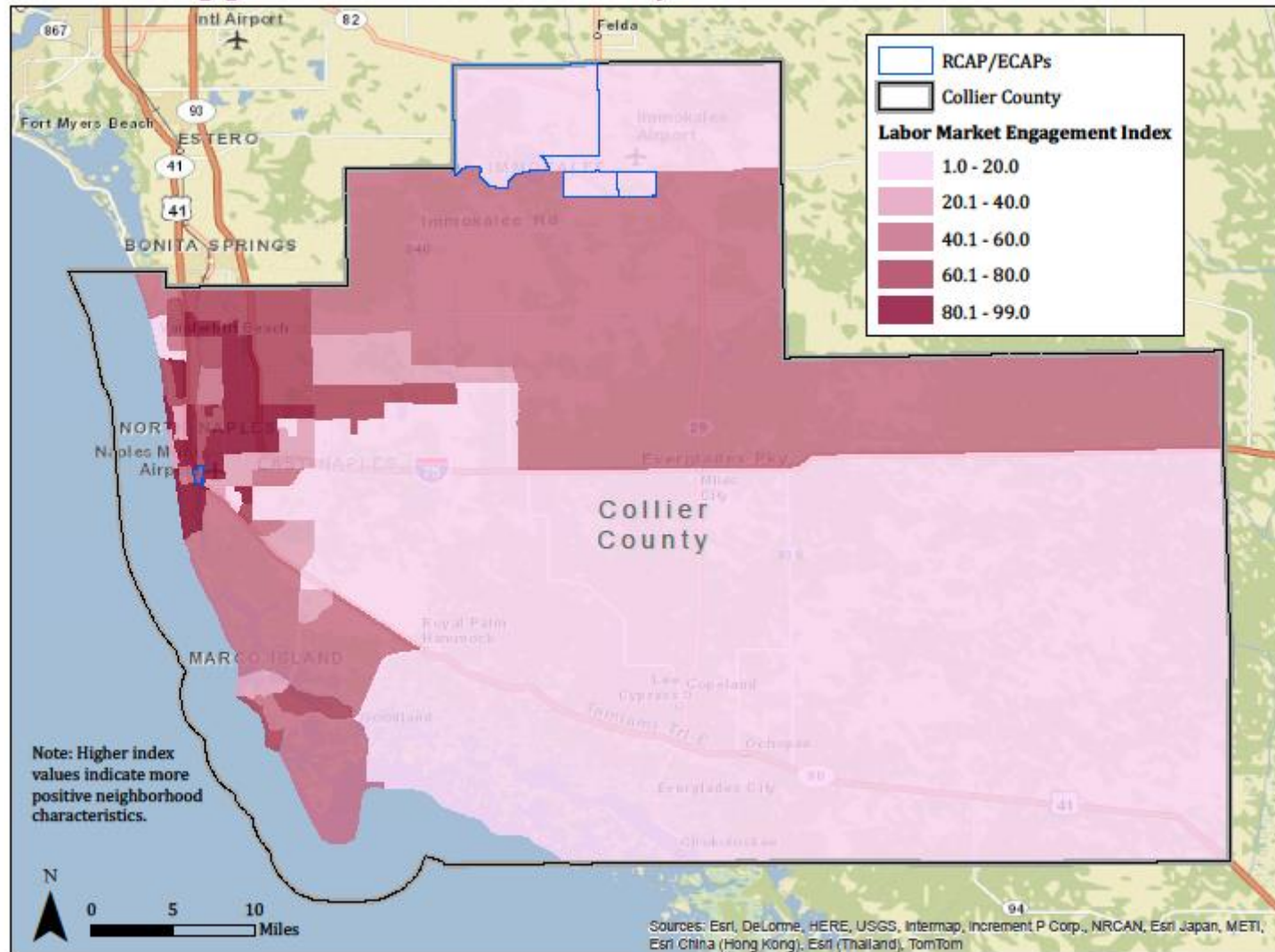
Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

Labor Market Engagement Index

The next map shows labor market engagement scores for Collier County, which are calculated by HUD based on unemployment rate, labor force participation rate, and the share of the population with a bachelor's degree or higher. Highest scores (index values of 80.1 or above), and thus greatest relative labor market engagement, are nearly all found in block groups along the Tamiami Trail and I-75 corridors in North Naples. Outside of North Naples, high levels of labor market engagement were located in Royal Harbor and the Kings Lake Boulevard areas in Naples.

Labor market engagement scores were lowest (index values of 20 or less) in Naples Park, Golden Gate, near the Glades Golf and Country Club in East Naples, Immokalee, and in the sparsely-populated southern portion of the county, roughly south of I-75 and east of Collier Boulevard. RCAP/ECAP block groups tend to have lower labor market engagement scores than others in the County: five of the nine had scores of just 1 or 2; three had scores of 15, and one (the block group containing River Park near the Naples Municipal Airport) had a relatively high score of 80.

Labor Market Engagement Index Values for Collier County



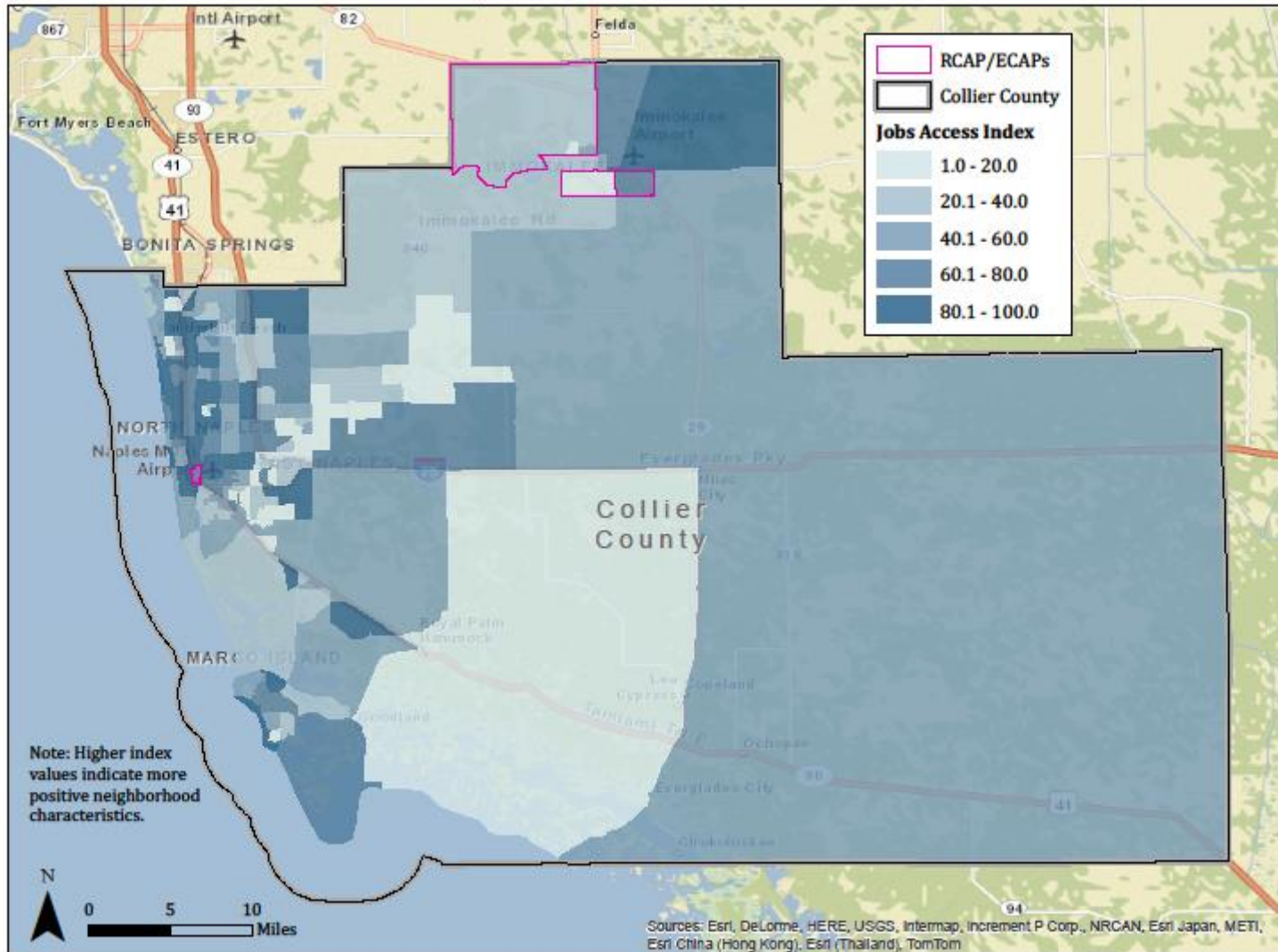
Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

Job Access Index

The final indicator examined here – job access – refers to the distance to jobs relative to the number of workers in the area. The index values here were quite variable and did not correlate well with RCAP/ECAPs or areas of high poverty. Among block groups in the Immokalee area, for example, index values ranged from as low as 3 to as high as 71. Another RCAP/ECAP outside the Immokalee area had an index value of 79. In relatively affluent North Naples, index values varied greatly from under 20 to over 80, often from one block group to another immediately adjacent to it. Block groups in the relatively remote eastern stretches of Collier County all had job access index values ranging between 20.1 and 40. This phenomenon seems to suggest that access and physical proximity to employment opportunities may not be as significant an opportunity factor as in some other communities.

Overall, poverty, school proficiency, and labor market engagement scores generally indicate reduced levels of opportunity in RCAP/ECAPs, a notable exception being River Park, where poverty is high, but access to opportunity is relatively good. Job access in most of these areas is moderate to average compared with the county as a whole, although HUD scores do not indicate whether nearby jobs are held by RCAP/ECAP residents or the compensation levels for those jobs.

Jobs Access Index Values for Collier County



Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

Opportunity Levels by Race and Ethnicity

In addition to looking at opportunity scores for RCAP/ECAPs, access to opportunity for protected classes can be examined using a methodology developed by HUD that compares relative exposure to neighborhood opportunity dimensions for different population subgroups (i.e., racial and ethnic groups). An average index score for each subgroup is found by averaging the block group scores weighted by the subgroup population. Comparing these average scores reveals any potential disparities in access to opportunity based on residential patterns of subgroups. In other words, the analysis assesses whether some subgroups tend to live in higher opportunity areas than others.

The tables that follow compare average opportunity scores for several racial and ethnic groups in Collier County. Indices for each minority group are compared to those for Whites to arrive at an estimate of disparity.³⁷ Positive disparity numbers indicate that Whites, on average, reside in more favorable neighborhood conditions (higher values for the opportunity dimensions) than the minority group being compared. Negative values indicate that the minority group tends to live in neighborhoods with more favorable conditions than their White counterparts.

The data in the top portion of the table on the following page shows that the average White resident in Collier County always lived in a neighborhood of greater opportunity than an average Black or Hispanic resident. White/Black disparities in opportunity are uniformly greater than White/Hispanic disparities. Relative to Whites, Asians fared slightly better on some opportunity dimensions and slightly worse on others, but were mostly on par with one another. Job access was the most evenly-distributed opportunity factor, representing the lowest disparity values.

Comparing the top portion (“All Persons”) to the bottom portion (“Persons in Poverty”) of the table enables a comparison between the general population of Collier County and that portion of the population in poverty. Poverty status is not an equalizer. While White/Black disparities decreased slightly for the share of those populations in poverty, disparities of 15 to 28 points remained. Disparities between impoverished Whites and impoverished Hispanics increased significantly relative to the general populations of these groups. When poor, all population segments tended to live in neighborhoods of lower opportunity than the general population, an interesting exception being Asians. Poor Asians generally lived in neighborhoods with lower poverty, better schools, and better job access than the population of Asians in general. The average Asian resident living in poverty always resided in a better neighborhood than the average White resident in poverty.

³⁷ The analysis of access to opportunities includes data for Latinos, Non-Latino Whites, Non-Latino Blacks, and Non-Latino Asians. As in the segregation analysis, these groups are referred to as “Latinos,” “Whites,” “Blacks,” and “Asians” for simplicity.

Table 25. Disparity in Access to Neighborhood Opportunity - All Persons in Collier County

All Persons						Disparity		
Opportunity Dimension	All Persons	White Persons	Black Persons	Latino Persons	Asian Persons	White - Black	White - Latino	White - Asian
Poverty	46	54	25	30	51	29	24	3
School Proficiency	48	56	30	33	57	26	23	-1
Labor Market Engagement	49	56	34	35	58	22	21	-2
Job Access	48	52	36	39	49	16	13	3
Counts	321,520	211,156	19,898	83,177	3,390			
Persons in Poverty						Disparity		
Opportunity Dimension	All Poor Persons	Poor White Persons	Poor Black Persons	Poor Latino Persons	Poor Asian Persons	Poor White - Black	Poor White - Latino	Poor White - Asian
Poverty	31	48	25	21	64	23	27	-16
School Proficiency	36	54	26	25	68	28	29	-14
Labor Market Engagement	37	53	30	27	58	23	26	-5
Job Access	43	51	36	38	62	15	13	-11
Counts	38,192	12,707	6,183	18,689	430			

Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

The data from HUD included a second comparison, this one between the general population of children in the region and those children living in poverty. In general, children in Collier County lived in neighborhoods with lower opportunity levels than the population of adults and children combined. Within racial and ethnic groups, opportunity index measures were largely consistent with those of the group's general population. In other words, including a separate comparison of opportunity index measures for children does not substantially magnify or reduce the levels of disparity that have already been observed between racial and ethnic groups.

Overall, Black and Hispanic residents – adults and children – face substantial opportunity gaps relative to White residents. They are more likely to live in neighborhoods with higher poverty, lower school proficiency, and less labor market engagement, and lower access to jobs. These disparities persist regardless of residents' poverty status.

Table 26. Disparity in Access to Neighborhood Opportunity - All Children in Collier County

All Children						Disparity		
Opportunity Dimension	All Children	White Children	Black Children	Latino Children	Asian Children	White - Black Children	White - Latino Children	White - Asian Children
Poverty	39	52	26	29	53	26	23	-1
School Proficiency	43	58	30	31	58	28	27	0
Labor Market Engagement	45	58	34	33	60	24	25	-2
Job Access	43	49	35	38	48	14	11	1
Counts	62,647	27,596	6,798	25,391	754			
Children in Poverty						Disparity		
Opportunity Dimension	All Poor Children	Poor White Children	Poor Black Children	Poor Latino Children	Poor Asian Children	Poor White - Black Children	Poor White - Latino Children	Poor White - Asian Children
Poverty	25	43	26	21	46	17	22	-3
School Proficiency	30	57	27	25	51	30	32	6
Labor Market Engagement	33	55	33	27	58	22	28	-3
Job Access	41	50	34	41	73	16	9	-23
Counts	12,703	1,962	2,842	7,653	66			

Source: U.S. HUD Office of Policy Development & Research, Regional Planning Grant Program Raw Block Group Data, Retrieved from <http://www.huduser.org/portal/Sustainability/grantees/data.html>

Health Care Access and Status

Collier County is designated as a medically underserved area with 23,317 medically underserved residents.³⁸ Medically underserved areas (MUA) indicate areas in which the general population has limited access to primary health care. Decreased access to care can be due to residents residing in rural or remote locations or an overall shortage in primary health care physicians and workers in a certain area. Low-income and poor residents are particularly vulnerable in MUA regions due to inability to afford to travel for medical care or may have public health insurance that is not accepted by physicians and hospitals due to low reimbursement rates. Lowered access to primary care typically results in less routine and preventive care and higher individual and government health care costs. Medically underserved residents are at greater risk for both chronic disease and serious mental illness.

Chronic diseases are long-term, require consistent medical maintenance, and frequently result in impairments in functioning, i.e. disabilities. According to the Center for Disease Control, chronic diseases are the leading cause of disability and death in the United States (accounting for 70% of all deaths) and is a leading cause of premature death. Chronic diseases are also responsible for 75% of health care costs in the United States. Research associates chronic diseases with higher rates of absenteeism and lower productivity at work, higher rates of unemployment, and lowered rates of income and educational attainment.

According to the National Alliance on Mental Illness, untreated mental illness can result in disability, unemployment, substance abuse, homelessness, and high rates of incarceration. In the County, drug induced death (overdose) are down, but deaths associated with abuse of alcohol, such as, cirrhosis and liver disease are up and exceed state and comparable county rates. Untreated mental illness also had staggering economic costs, NAMI estimates that untreated mental illness results in an annual cost of \$100 billion per year in the United States. Experiences with mental illness can also negatively impact health, making it difficult for those with mental illness to participate in preventive, routine, and health promoting behaviors. Additionally, having a chronic disease can also trigger serious mental illness, like major depression or anxiety disorders. Finally, the County has high rate of childhood and adolescent poverty as discussed earlier in this section. High and persistent rates of childhood poverty are the leading cause post-traumatic stress disorder, an SMI.

The County has high rates of uninsured residents. In 2014, according to the American Community Survey, 21.3%, more than 1 in 5, residents above 18 years of age was uninsured, while 14.2% of children under the age of 18 were uninsured Residents who have not graduated high school are most likely to be uninsured (50.5%). (33%). Hispanic and Latinos are the ethnic group with the highest uninsured rate (42.2%). Other racial and ethnic

³⁸ <http://www.floridahealth.gov/provider-and-partner-resources/community-health-workers/health-professional-shortage-designations/index.html>. Accessed February 25, 2016

minority groups also had high rates of uninsured including: Native Americans (41.1%), Asians (38.0%) and African- Americans (33.0%). And County residents with an incomes below \$25,000 annually had the highest rate of uninsured residents (31.3%) compared to other income groups.

Land Use and Zoning

Comprehensive land use planning is a critical process by which communities address a myriad of public policy issues such as housing, transportation, health, recreation, environmental protection, commercial and retail services, and land values, and address how the interconnection and complexity of these issues can ultimately impact the entire municipality. For example, the decision to develop a parcel of land for a shopping mall will not only influence the value and use of surrounding property, but will also impact future traffic and environmental decisions (i.e. intensive commercial use will increase traffic flow and large impervious parking lots will increase storm water runoff). For this reason, “[t]he land-use decisions made by a community shape its very character – what it’s like to walk through, what it’s like to drive through, who lives in it, what kinds of jobs and businesses exist in it, how well the natural environment survives, and whether the community is an attractive one or an ugly one.”³⁹ Likewise, decisions regarding land use and zoning have a direct and profound impact on affordable housing and fair housing choice.

The following sections will explore (I) how Florida state law impacts local land use and zoning authority and decision-making and (II) how the zoning and land use codes of Collier County and Naples impact housing affordability and fair housing choice.

Everglades City was not separately evaluated or included in this analysis because, despite numerous calls to the city, a copy of the local land development code was not provided.

Overview of Florida State Zoning and Land Use Laws

From a regulatory standpoint, local government measures to control land use typically rely upon zoning codes, subdivision codes, and housing and building codes, in conjunction with comprehensive plans. Courts have long recognized the power of local governments to control land use, and the State of Florida authorizes all counties and local municipalities to regulate land use and zoning within their respective jurisdictions through the state zoning enabling statutes. (*See Fla. Stat. § 163.3161 – 163.3248*). In Florida, primacy is given not to the implementing regulations such as a zoning code, but to the comprehensive plan itself. Local zoning power is part of the broader mandate placed on counties and municipalities to adopt, maintain, and implement a comprehensive plan in compliance with Chapter 163 of the Florida Statutes, the Community Planning Act. The Act requires local governments to implement land use plans and development regulations to guide all future development actions. It also requires that all geographic areas within the state be included within the

³⁹ John M. Levy. *Contemporary Urban Planning, Eighth Edition*. Upper Saddle River, NJ: Pearson Prentice Hall, 2009.

jurisdiction of a local comprehensive plan and that all development actions be consistent with the adopted plan.

Local zoning codes are part of a municipality's "land development regulations," defined as "ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land." Land regulations including zoning ordinances must further the policy actions of and be consistent with the jurisdiction's comprehensive plan. Any land development regulation, code, order, or amendment thereto must be submitted to either a local planning agency or separate land development regulation commission for review and recommendation regarding the proposal's consistency with the adopted comprehensive plan. If a local government wants to approve a development that is inconsistent with the comprehensive plan, the comprehensive plan must be amended first.

Under Collier County's Code, the responsibility for implementing the local land development code is assigned ultimately to the County Manager, who has the authority to interpret provisions of the LDC. Decisions regarding development applications and amendments are divided between the Planning Commission, Board of Zoning Appeals, and the Board of County Commissioners. Among other duties, the Planning Commission makes recommendations to the BCC regarding applications for conditional use permits, amendments to the county Growth Management Plan or future land use map, and amendments to the Land Development Code. The BZA reviews and decides zoning variances, conditional uses, nonconforming use amendments, flood variances, and parking agreements. The BCC has the power to adopt amendments to the Growth Management Plan or LDC and to hear appeals from the BZA. In Naples, the planning advisory board acts as the zoning board for the city and makes recommendations to the City Council for final decision regarding the city's comprehensive plan, proposed zoning amendments, and applications for conditional use permits.

Intersection of Local Zoning with Federal and State Fair Housing Laws

One goal of zoning is to balance individual property rights with the power of government to promote and protect the health, safety, and general welfare of the overall community. Land development codes regulate how a parcel of land in a community may be used and the density of development. Local governments may divide their jurisdiction into zoning districts by adopting a zoning map consistent with the comprehensive plan; define categories of permitted and conditional uses for those districts; and establish design or performance standards for those uses. Zoning may regulate the height, shape, and placement of structures and lot sizes or shapes. Jurisdictions also can expressly prohibit certain types of uses within zoning districts. In this way, local ordinances may define the type and density

of housing resources available to residents, developers and other organizations within certain areas, and as a result influence the affordability of housing.

While local governments have the power to enact zoning and land use regulations, that power is limited by state and federal fair housing laws (e.g., Florida Fair Housing Act, the federal Fair Housing Act (FHA), Americans With Disabilities Act (ADA), constitutional due process and equal protection). The Florida Fair Housing Act (F.S. § 760.20 *et seq.*) is substantially similar to the federal FHA. As with the FHA, the Florida Fair Housing Act (FFHA) identifies unlawful housing practices and protects against discrimination based on race, color, religion, sex, familial status, national origin, or disability. The FFHA explicitly prohibits discrimination in land use decisions or in the permitting of development (F.S. § 760.26).

Fair housing laws do not preempt local zoning laws, but do apply to municipalities and local government units and prohibit them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons. And even where a specific zoning decision does not violate a fair housing law, HUD entitlement communities must certify annually that they will affirmatively further fair housing, an undertaking defined as “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity.”

The FFHA provides that wherever a local fair housing law grants rights and remedies which are substantially equivalent to the FFHA, the Commission must notify the appropriate local agency of an alleged violation and take no further action if the local enforcement official commences proceedings in the matter. A local agency also may institute a civil action, without the need to first exhaust administrative remedies, if it is unable to obtain voluntary compliance with its local fair housing law.

Collier County has adopted a local fair housing law which provides an alternative avenue for an aggrieved person to seek redress of allegedly discriminatory conduct, as well as a formal Administrative Policy and Procedure related to Fair Housing. Collier County’s Fair Housing Code (Code of Ordinances Sec. 70-26) provides that a violation of the code may be prosecuted as a misdemeanor. The procedures prescribed in the Fair Housing Code are not an administrative prerequisite to seeking another action or remedy available under state or federal law. Accordingly, if an individual feels that his/her rights under the FFHA have been violated in a final land use or zoning decision, he or she may file a complaint with the Florida Commission on Human Relations or file a lawsuit in state or federal court within the statute of limitations period.

Zoning, Housing Affordability and Fair Housing Choice

Although comprehensive plans and zoning and land use codes play an important role in regulating the health and safety of the structural environment, overly restrictive codes can negatively impact housing affordability and fair housing choice within a jurisdiction. Examples of zoning provisions that most commonly result in barriers to fair housing choice include:

- Restrictive forms of land use that exclude any specific form of housing, particularly multi-family housing, or that require large lot sizes or low-density that deter affordable housing development by limiting its economic feasibility;
- Restrictive definitions of family that impede unrelated individuals from sharing a dwelling unit;
- Placing administrative and siting constraints on group homes for persons with disabilities;
- Restrictions making it difficult for residents with disabilities to locate housing in certain neighborhoods or to modify their housing;
- Restrictions on occupancy of alternative sources of affordable housing such as accessory dwellings, mobile homes, and mixed-use structures.

The study area jurisdictions' treatment of these types of issues are explored and evaluated in the tables and narrative below. Collier County and Naples regulate land development activities through their respective Comprehensive Plans, land development codes, building codes, and subdivision regulations. Zoning and design standard decisions must be informed by and consistent with the County's and City's long-range comprehensive plan and growth management plan as these are amended and updated.

Because zoning codes present a crucial area of analysis for a study of impediments to fair housing choice, the Collier County Land Development Code, as amended through December 11, 2014, and the Naples Land Development Code, as amended through October 6, 2015, were each reviewed and evaluated against a list of 15 common fair housing issues. The LDCs were assigned risk scores of either 1, 2, or 3 for each issue and were then given an aggregate score calculated by averaging the individual scores, with the possible scores defined as follows:

1 = low risk – the provision poses little risk for discrimination or limitation of fair housing choice;

2 = medium risk – the provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread;

3 = high risk – the provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice.

The following chart lists the 15 issues reviewed and the County’s and City’s score for each issue. Complete reports, including citations to relevant statutes, code sections and explanatory comments, are included as an appendix to this document.

Table 27. Zoning Code Risk Scores		
ISSUE	RISK SCORE Collier County	RISK SCORE Naples
1. Does the jurisdiction’s definition of “family” have the effect of preventing unrelated individuals from sharing the same residence? Is the definition unreasonably restrictive?	1	2
2. Does the definition of family discriminate against unrelated individuals with disabilities (or members of any other protected class) who reside together in a congregate or group living arrangement?	1	1
3a. Does the zoning code treat housing for individuals with disabilities differently from other single family residential and multifamily residential uses by requiring a special or conditional use permit in certain residential districts? Is housing for individuals with disabilities allowed in the same manner as other housing in residential districts? 3b. Is such housing mischaracterized as a “boarding or rooming house” or “hotel”?	1	1
4. Does the zoning ordinance unreasonably restrict housing opportunities for individuals with disabilities who require onsite supportive services?	2	2
5. Do the jurisdiction’s policies, regulations, and/or zoning ordinances allow persons with disabilities to make reasonable modifications or provide reasonable accommodation to specific zoning or regulatory requirements?	2	2
6a. Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for applicants with disabilities? 6b. Is the hearing only for applicants with disabilities rather than for all applicants?	2	1
7. Does the ordinance impose spacing or dispersion requirements on certain protected housing types?	2	2

8. Does the jurisdiction restrict any inherently residential uses protected by fair housing laws (such as residential substance abuse treatment facilities) only to non-residential zones?	1	1
9. Does the jurisdiction's zoning and land use rules constitute exclusionary zoning that precludes development of affordable or low-income housing by imposing unreasonable residential design regulations (such as high minimum lot sizes, wide street frontages, large setbacks, low FARs, large minimum building square footage, and/or low maximum building heights)?	1	2
10a. Does the zoning ordinance fail to provide residential districts where multi-family housing is permitted as of right? 10b. Do multi-family districts restrict development only to low-density housing types?	1	1
11. Are unreasonable restrictions placed on the construction, rental, or occupancy of alternative types of affordable or low-income housing (for example, accessory dwellings or mobile/manufactured homes)?	1	1
12. Is the process by which a use permit (CUP, SUP, SLUP) is obtained unreasonably lengthy, complex, or costly, effectively discouraging applicants? 12b. Is there a clear procedure by which denials may be appealed?	1	1
13. Does the zoning ordinance include an inclusionary zoning provision?	1	1
14. Does the zoning ordinance or municipal code include a discussion of fair housing?	1	2
165a. Do the jurisdiction's codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act? 15b. Are the jurisdiction's accessibility standards (as contained in the zoning ordinance or building code) congruent with the requirements of the Fair Housing Act? 15c. Is there any provision for monitoring compliance?	1	1
Aggregate Risk Score	1.27	1.40

Collier County's total risk score (calculated by taking the average of the 15 individual issue scores) is **1.27**; Naples scored a **1.4**, indicating that overall there is low risk of the respective Land Development Codes contributing to discriminatory housing treatment or impeding fair housing choice. In most cases, the zoning regulations are reasonably permissive and allow for flexibility as to the most common fair housing issues. Remarkably, neither jurisdiction received a "3" (high risk) score on any of the 15 issues evaluated. However, the County and Naples received "2" (medium risk) scores on certain issues where the zoning regulations still have the potential to negatively impact fair and affordable housing, and where improvements to the rules and policies could be made to more fully protect the fair housing rights of the County's residents.

Our research has shown that restricting housing choice for certain historically/socio-economically disadvantaged groups and protected classes can happen in any number of ways and should be viewed on a continuum. The following narrative is not designed to assert whether the land development codes create a per se violation of the FHA or HUD regulations, but to highlight significant areas where zoning and land use ordinances may otherwise jeopardize the spirit and intent of fair housing protections and HUD's AFFH standards for its entitlement communities.

This following discussion highlight some of the strengths of the respective land development codes in terms of how these zoning regulations protect fair housing choice, and also points out key recommendations which illustrate concrete actions the jurisdictions could make in terms of zoning and land use regulations to uphold the commitment to furthering fair housing. The issues chosen for discussion show where zoning ordinances and policies could go further to protect fair housing choice for protected and disadvantaged classes, and still fulfill the zoning objective of protecting the public's health, safety, and general welfare.

Definition of "family"

Often one of the most scrutinized provisions of a municipality's zoning code is its definition of "family." Municipalities use this provision to limit the number of unrelated persons who may live together in a single dwelling, and unreasonably restrictive definitions often have the intended or unintended consequence of limiting housing for persons with disabilities who reside together in congregate living situations. Neither Collier County's code of ordinances nor its land development code expressly define family, and accordingly, Collier County received a "1" score on Issue 1. Naples limits the number of unrelated persons residing together as a single housekeeping unit to four. This definition is neither the most permissive nor most restrictive. The definition of family is not facially discriminatory against persons with disabilities or other protected classes (Issue #2), and it does not make exception for or treat differently persons with disabilities because of their disability. Though similar limitations have been upheld by courts in other jurisdictions, the limitation to four

could pose a state due process challenge if a nontraditional but functionally equivalent family of more than four unrelated persons were cited and prevented from residing together, while a similarly-situated family of more than four persons related by blood or marriage was permitted. For this reason, Naples received a “2” score on Issue 1.

Alternative housing types

Collier County and Naples both received a “1” score on Issue 11 regarding allowances for alternative types of potential affordable housing, such as mobile/manufactured homes and accessory dwelling units. The use of accessory structures as dwellings provides private market opportunities to incorporate smaller, more affordable housing units, with a very low-impact to the zoning district’s infrastructure or traffic, in neighborhoods of opportunity that otherwise would be expensive places to live. Furthermore, Florida state law encourages the use of accessory dwelling units to help meet the need of affordable rental units. Where a local government determines that there is a shortage of affordable rentals, it may adopt an ordinance to allow accessory dwelling units in any single-family zoning district. *See* F.S. § 163.3177. Within the County’s jurisdiction, the LDC provides for a Mobile Home zoning district, where mobile and modular homes are permitted by right, and also the Mobile Home Overlay which may apply to rural agricultural areas where a mixture of housing types is found to be appropriate. However, accessory dwellings / guesthouses may be used as housing for domestic employees but may not be leased or rented. These overly restrictive regulations regarding accessory dwellings limit the usefulness of this potential type of alternative affordable housing within the County. In Naples, accessory dwelling units, defined as a “guest unit” under the code, may be rented or leased (in conformance with LDC Sec. 56-91) in the RE and R1-E districts, and upon conditional use approval in the R1-15A, R1-15, R1-10, R1-10A districts. The code also contemplates the establishment of mobile home parks and some have been approved within the jurisdiction.

Exclusionary zoning standards

Zoning codes which impose unreasonable residential design regulations (such as high minimum lot sizes, large minimum building square footage, and/or low maximum density allowances) that are not congruent with the actual standards necessary to protect the health and safety of current average household sizes and prevent overcrowding, may not be in direct violation of fair housing laws. However, overly restrictive rules may contribute to exclusionary zoning and have the effect of disproportionately reducing housing choice for moderate to low-income families, minorities, persons with disabilities on fixed incomes, families with children, and other protected classes by making the development of affordable housing cost prohibitive.

Collier County’s design standards, density allowances, and housing-type diversity, do not appear facially exclusionary. While the LDC may impact the feasibility of developing

affordable housing within some single family districts, the code provides for lot sizes and densities that could accommodate affordable housing somewhere within the residential districts. For example, the LDC permits some single family minimum lot sizes to be 6,000 sq. ft. Minimum floor areas range from 1,800 sq. ft. to 600 sq. ft. The zoning ordinance provides three types of multifamily housing districts (RMF), as well as the residential tourist district (RT), village residential district (VR), and special mixed-use districts, where multifamily housing is permitted by right. The districts are designed to accommodate what the code characterizes as low-density, low-profile developments in the RMF-6 district, medium to high density in the RMF-16 district, and up to 26 units per acre in some RT zones. Maximum building heights range from 2-10 stories, and minimum floor areas for multifamily units range from 750 sq. ft. to none. The ordinance also includes some flexibility in density and development by providing alternatives such as cluster developments, density blending, and transfer of development rights in certain locations and under certain conditions. Because these standards are not facially out of line with national planning standards, Collier County received a “1” score on Issues 9 and 10.

In the City of Naples, the LDC divides single-family residential into 15 districts plus a PD (planned unit development) district. Minimum lot sizes for single family dwellings range from 2 ¼ acres to 6,000 sq. ft. Minimum floor areas for single family dwellings range from a high of 2,000 sq. ft. to a low of 1,000 sq. ft. for a one story dwelling. Multifamily housing is permitted by right in 8 of the residential districts, plus the PD district. The code divides density into low density in the R3-6 district with up to 6 u/a, what it calls medium density of 12 – 15 u/a in 5 multifamily districts, and higher density of up to 18 u/a in two of the multifamily districts. Multifamily housing may be allowed at a minimum floor area of 600 sq. ft. for 3+ family dwellings. The City’s development standards are not as permissive as the County’s for many areas, and accordingly Naples scored a “2” for Issue 9 and a “1” for Issue 10.

On paper, the residential zoning criteria for the jurisdictions surveyed are not inherently prohibitive, and yet there is general consensus among residents, planning officials, housing advocates, and other stakeholders that Collier County and Naples suffer from an affordability gap for both affordable and workforce housing. This problem will only grow as rent and home prices are expected to continue to trend upward. Based on 2015 projections provided by the University of Florida’s Shimberg Center for Housing Studies, the County’s Affordable Housing Advisory Committee estimates that 43% of Collier households pay more than 30% of their income (the limit considered financially healthy) on housing related expenses, and 22% of households spend more than half of their income on housing.

There are some development costs that local governments simply cannot control, such as materials and labor costs. However, there are other costs which government regulations directly impact: for example, raw land costs (via minimum lot size requirements), permitting

costs, and impact fees. By reducing these costs, the hope is that there would be a trickle-down effect which would in turn make development of affordable housing more feasible. In the context of the area's already costly rental and housing market, development standards may be a barrier to obtaining workforce and affordable housing for low to moderate income families, and should be evaluated and tailored to the area's estimation of affordability, that is the extent to which enough housing units of different costs can be developed to provide each household with a unit it can afford (based on HUD's 30%-of-income standard). More data is needed to determine at what density and minimum floor area specifications would actually lower development costs in a way that could meet HUD's 30% guideline. Although their respective zoning regulations may not be facially exclusionary, because of the County and City's severe affordability gap, it is recommended that their respective design standards be amended, in conjunction with their comprehensive plans, to do more to permit higher densities, lower minimum lot size requirements, lower minimum floor area requirements, and provide more zones where multifamily is permitted by right.

Inclusionary zoning

Florida state law authorizes counties and municipalities to adopt and maintain inclusionary zoning ordinances or other measures for the purpose of increasing the supply of affordable housing. (See F.S. 166.04151; 125.01055). Collier County's land development code includes an Affordable Housing Density Bonus (AHDB) program, which applies to most coastal urban designated areas, the Immokalee Urban area, and the Rural Lands Stewardship Area Overlay, and allows for up to eight additional dwelling units per gross acre to the allowed base density in those zones. Importantly, the AHDB program includes a strategy for maintaining designated affordable housing units as affordable for at least 15 years. Naples also has an affordable housing ordinance aimed at incentivizing the development of affordable housing. Its standards are less restrictive than other density standards and more restrictive with open space and landscaping. However, the standards apply to rental units only. The City's policy could go further to provide incentives for developing owner-occupied affordable housing and include a strategy for maintaining designated affordable housing units as affordable long-term. To ensure long-term affordability of these units, legal mechanisms such as deed covenants, the preemptive right to purchase, the right to cure a foreclosure, the right to purchase a home entering foreclosure, and requirements of notice of default or delinquency; resale formulas; and monitoring and stewardship partnerships with local housing authorities and nonprofit housing advocacy organizations should be included. The County and City also could incentivize the development of affordable housing by reducing permitting fees to the actual cost of review, reducing or waiving impact fees,⁴⁰ and reducing time frames for project review and approval for proposed housing that meets the affordability thresholds.

⁴⁰ A 2015 news article reported that Collier County imposes up to 12 different impact fees. It estimated that for a 1,500 sq. ft. single-family home in North Naples, the fees could top \$32,000 per unit. By contrast, to build the

Reasonable accommodations

Another area for improvement would be for each jurisdiction to adopt a reasonable accommodation ordinance which sets out specific guidelines for residents with disabilities who need to make a request for reasonable accommodation/ modification (Issue #5). Federal and state fair housing laws require that municipalities provide individuals with disabilities or developers of housing for people with disabilities flexibility in the application of land use and zoning and building regulations, practices and procedures or even waiving certain requirements, when it is reasonable and necessary to eliminate barriers to housing opportunities, or “to afford persons with a disability the equal opportunity to use and enjoy a dwelling.” (The requirements for reasonable accommodation under the Americans with Disabilities Act (ADA) are the same as those under the FHA. *42 U.S.C. 12131(2)*.) However, the FHA does not set forth a specific process that must be used to request, review, and decide a reasonable accommodation, and local ordinances in Collier County and Naples could be strengthened by providing clear and objective processes by which persons with disabilities may request a reasonable accommodation to zoning, land use, and other regulatory requirements.

Often local municipalities handle the mandate to provide a reasonable accommodation through their variance or conditional use permit procedures. However, the purpose of a variance is not congruent with the purpose of requesting a reasonable accommodation. To obtain a variance or special permit, an applicant must show special circumstances or conditions applying to the land and not self-imposed or owing to the applicant. In contrast, a reasonable accommodation is to allow individuals with disabilities equal access to use and enjoy housing. If the jurisdiction applies a standard based on the physical characteristics of the property rather than considering the need for modification based on the disabilities of the residents of the housing, it would not appear to fulfill its duty to provide reasonable accommodation. Whereas simple administrative procedures may be adequate for the granting of exceptions, the variance and conditional use permit procedures subject the applicant to the public hearing process where there is the potential that community opposition based on stereotypical assumptions about people with disabilities and unfounded speculations about the impact on neighborhoods or threats to safety may impact the outcome. As recipients of federal housing funds, Collier County and Naples are encouraged to adopt a reasonable accommodation ordinance as part of a larger fair housing or anti-discrimination ordinance (Issue #14).

Model ordinances are available that have been approved by HUD or the DOJ as part of fair housing settlement or conciliation agreements. These model ordinances include a

same home in Bonita Springs, for example, the fees would cost about \$12,000. (See <http://www.news-press.com/story/news/local/2015/05/31/collier-schools-impact-fee-increase/28272781>)

standardized process so that there is transparency and equality in how requests are treated, and gives the director of planning or zoning administrator, or her designee, the authority to grant or deny reasonable accommodation requests without the applicant having to submit to a public hearing process. Adopting a reasonable accommodation ordinance is one specific way to address barriers in land use and zoning procedures and would help the County and Naples more fully comply with the intent and purpose of fair housing laws.

Spacing and dispersion requirements

Following state law, the LDCs of Collier County and Naples impose spacing/distance requirements on certain protected housing types, specifically group housing for persons with disabilities. Under Collier's regulations, a family care facility cannot be located within a radius of 1,000 feet of another existing family care facility. Group care facilities (category I and II) and homeless shelters cannot be located within a 1,200 foot radius of an existing facility in the RMF-6, RMF-12, RMF-16, RT, and VR zoning districts or within a 500 foot radius in A, estates, and RSF 1—6 zoning districts. In Naples, community residential homes of six or fewer residents may not be located within a radius of 1,000 feet of another existing community residential home, and those with 7-14 residents may not be located within a radius of 1,200 feet of another existing home or within 500 feet of a single family district. These limits are congruent with the state standards for site selection of community residential homes. (*See* F.S. § 419.001 *et seq.*) However, the state statute provides that local governments may adopt more liberal standards for siting such homes.

The Department of Justice and HUD take the position, and federal courts that have addressed the issue mostly agree, that spacing and density restrictions are generally inconsistent with the FHA unless the jurisdiction could make a showing that the ordinance was passed to protect a compelling governmental interest (e.g. over-concentration of residential treatment homes could adversely affect individuals with disabilities and would be inconsistent with the goal of integrating persons with disabilities into the wider community) and that the spacing requirement is the least restrictive means of protecting that interest. Florida's spacing requirements limit the overall aggregate capacity of housing for persons with disabilities even if the need in the community or region is greater than the thresholds permit.

Where this issue has been litigated under fair housing laws, courts have often invalidated such spacing requirements as discriminatory. *See, e.g., Horizon House Developmental Serv., Inc. v. Township of Upper Southampton*, 804 F.Supp. 683, 693 (E.D.Pa. 1992) (invalidating 1,000 feet separation requirement), *aff'd* without opinion, 995 F.2d 217 (3rd Cir. 1993). Other courts also have found in the context of a municipality's refusal to grant an exception to the spacing requirement, that the local government violated the reasonable accommodation requirements of the FHA. *See Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775 (7th Cir. 2002) (affirming summary judgment for plaintiff on

finding that city failed to put forth evidence regarding the nature or quantity of the purported undue financial and administrative burdens that would supposedly result from granting a reasonable accommodation to the spacing requirement for group homes); *"K" Care, Inc. v. Town of Lac du Flambeau*, 181 Wis.2d 59, 510 N.W.2d 697 (Wis. Ct. App. 1993) (town required to accommodate elderly by granting special exception to state statute imposing 2,500-foot spacing requirement in that proposed extra facility would not adversely affect residential character of neighborhood); *Tellurian U.C.A.N., Inc. v. Goodrich*, 178 Wis. 2d 205, 504 N.W.2d 342 (Wis. Ct. App. 1993) (village violated FHAA by not granting exception to spacing restriction where exception was feasible, practical, and would not entail undue burdens to the village).

Research did not indicate that a similar spacing requirement has been decided by the courts of Florida or the Eleventh Circuit that would provide precedent for the lawfulness of the Study Area's respective spacing ordinances. However, even if such rules are not facially invalid, a refusal to make a reasonable accommodation could be found to be unlawfully discriminatory if the County or City could not offer sufficient justification or a lesser restrictive alternative.

A concern that without the spacing requirement, certain jurisdictions or particular neighborhoods may come to have more than their "fair share" of group homes, can be addressed in other legal ways that do not open up the jurisdiction to potential litigation. For example, a local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods. A valid government justification may be that over-concentration of family care facilities would be inconsistent with the objective of integrating persons with disabilities into the community. However, this should never justify separations which have the effect of foreclosing entire neighborhoods to group housing for persons with disabilities. It is recommended that the respective LDCs be amended to provide for a means of rebutting the presumption of overconcentration by showing the significant need for more housing for persons with disabilities and/or to provide for a specific process to seek a reasonable accommodation to the spacing policies.

Mortgage Lending Analysis

Homeownership is vital to a community's economic well-being. To live up to the requirements of fair housing law, all persons must have the ability to live where they want and can afford. Prospective homebuyers need access to mortgage credit, and programs that offer homeownership should be available without discrimination. The task in this Home Mortgage Disclosure Act (HMDA) analysis is to determine the degree to which the housing needs of Collier County residents are being met by home loan lenders.

The Home Mortgage Disclosure Act of 1975 (HMDA) requires most mortgage lending institutions to disclose detailed information about their home-lending activities annually. The objectives of the HMDA include ensuring that borrowers and loan applicants are receiving fair treatment in the home loan market.

The national 2013 HMDA data consists of information for 17.0 million home loan applications reported by 7,190 home lenders, including banks, savings associations, credit unions, and mortgage companies.⁴¹ HMDA data, which is provided by the Federal Financial Institutions Examination Council (FFIEC), includes the type, purpose, and characteristics of each home mortgage application that lenders receive during the calendar year. It also includes additional data related to those applications including loan pricing information, action taken, property location (by census tract), and additional information about loan applicants including sex, race, ethnicity, and income.

The source for this analysis is tract-level HMDA data for Collier County census tracts for the year 2013, which includes a total of 20,850 home purchase loan application records.⁴² Within each HMDA record some of the data variables are 100% reported: "Loan Type," "Loan Amount," "Action Taken," for example, but other data fields are less complete. For Collier County, 6.7% of the records lack complete information about applicant and co-applicant sex and income, and 10.7% lack complete data regarding race, ethnicity, and income. According to the HMDA data, these records represent applications taken entirely by mail, Internet, or phone in which the applicant declined to identify their sex, race, and/or ethnicity.

Missing race, ethnicity, and sex data are potentially problematic for an assessment of discrimination. If the missing data are non-random there may be adverse impacts on the accuracy of the analysis. Ideally, any missing data for a specific data variable would affect a

⁴¹ Federal Financial Institutions Examination Council, "Home Mortgage Disclosure Act: Background and Purpose," <http://www.ffiec.gov/hmda/history.htm>

⁴² Includes mortgage applications for the purchase of one-to-four family dwellings in which the property will be occupied as the owner's principal dwelling and in which the mortgage will be secured by a first lien. Includes applications for conventional, FHA-insured, VA-guaranteed, and FSA/RHS-guaranteed mortgages.

small proportion of the total number of loan records and therefore would have only a minimal effect on the analytical results.

There is no requirement for reporting reasons for a loan denial, and this information was not provided for 16.6% of loan denials in Collier County. Further, the HMDA data does not include a borrower's total financial qualifications such as an actual credit score, property type and value, loan-to-value ratio or loan product choices. Research has shown that differences in denial rates among racial or ethnic groups can arise from these credit-related factors not available in the HMDA data.⁴³ Despite these limitations, the HMDA data play an important role in fair lending enforcement. Bank examiners frequently use HMDA data in conjunction with information from loan files to assess an institution's compliance with the fair lending laws.

Loan Approvals and Denials by Applicant Sex

The 2010-2014 HMDA data for Collier County includes information about applicant sex and household income for 18,878 total loan application records. About one-quarter of applications (23.7%) were by female applicants, one-third were by male applicants (34.4% of the total), and the remaining were male/female co-applicants (41.9%). The table on the following page presents a snapshot of loan approval rates and denial rates for low, moderate, and upper income applicants by sex.⁴⁴

Regardless of sex, loan approval rates were lowest and denial rates highest for low- income applicants. Within that category, female applicants had the highest approval rate at 69.5%, compared to 64.9% for male applicants and 52.9% for male/female co-applicants. Male/female co-applicants had a relatively small number of applications in this category (239 completed applications), reflecting their greater likelihood of being dual income households and thus having incomes above 50% of the area's median.

In the moderate- income bracket, females had the highest approval rates (80.1%), while male/female co-applicants had the highest approval rates in the high- income bracket (85.9%) Approval rates for females lagged by 1.0 percentage points in the high-income bracket. In both the moderate and high- income categories, male applicants had the lowest approval rates and highest denial rates. At the moderate- income level, approval rates for male applicants were 1.3 percentage points below those for female applicants and 2.0

⁴³ R. B. Avery, Bhutta N., Brevoort K.P., and Canne, G.B. 2012. "The Mortgage Market in 2011: Highlights from the Data Reported Under the Home Mortgage Disclosure Act." Board of Governors of the Federal Reserve System. Federal Reserve Bulletin, Vol. 98, No. 6.

⁴⁴ The low- income category includes applicants with a household income below 50% of area median family income (MFI). The moderate income range includes applicants with household incomes from 50% to 120% MFI, and the upper income category consists of applicants with household incomes above 120% MFI. In 2013, the Collier County MFI was \$62,600, with a 50% MFI threshold of \$31,300 and a 120% MFI threshold of \$75,120.

percentage points below those for male/female co-applicants. These disparities also existed for high income applicants: male applicants were had approval rates 1.2 percentage points behind females and 2.2 percentage points behind male/female co-applicants.

Overall, male/female co-applicants were denied loans in 47.1% of cases, compared to 30.5% for female applicants and 35.1% for male applicants. While these figures suggest a significant discrepancy in access to loans based on applicant sex, it is not possible to tell from this data whether this discrepancy is due to financial reasons, social discrimination, or a combination of the two.

Table 28. Loan Approval and Denial Rates by Sex in Collier County, 2010-2014				
Applicant Income	Female Applicant(s)*	Male Applicant(s)*	Male/Female Co-Applicants	All Applicants
Low Income				
Total Applications	940	943	239	2,122
Completed Applications	820	833	210	1,863
Approval Rate	69.5%	64.9%	52.9%	65.6%
Denial Rate	30.5%	35.1%	47.1%	34.4%
Moderate Income				
Total Applications	2,480	3,077	2,487	8,044
Completed Applications	2,197	2,720	2,193	7,110
Approval Rate	80.1%	78.1%	79.4%	79.1%
Denial Rate	19.9%	21.9%	20.6%	20.9%
High Income				
Total Applications	1,022	2,410	5,112	8,544
Completed Applications	874	2,083	4,487	7,444
Approval Rate	84.9%	83.7%	85.9%	85.2%
Denial Rate	15.1%	16.3%	14.1%	14.8%
Total				
Total Applications	4,442	6,430	7,838	18,710
Completed Applications	3,891	5,636	6,890	16,417
Approval Rate	78.9%	78.2%	82.8%	80.3%
Denial Rate	21.1%	21.8%	17.2%	19.7%

*Includes applications with a single male or female applicant and applications with male/ male or female/ female co-applicants.

Source: FFIEC 2010 to 2014 Home Mortgage Disclosure Act Data, Accessed via <http://www.consumerfinance.gov/hmda/>

Under the provisions of the HMDA, reporting institutions may choose to report the reasons they deny loans, although there is no requirement to do so. Of the 3,297 loan denials examined here, reasons are provided in 83.4% of total cases; reporting rates by applicant sex range from 83.3% for male applicants to 84.7% for male/female co-applicants.

The table that follows breaks down the reasons for loan denials by sex. For each applicant group, the three most common denial reasons were the same: debt-to-income ratio, credit history, and collateral. Over one-fifth of all applicants were denied loans based on debt-to-income ratio (26.5% of male/female co-applicants, 30.4% of male applicants, and 30.6% of female applicants). For male/female co-applicants, credit history was cited in 18.6% of denials and insufficient collateral in 19.2%. Collateral was the third most common issue for both male and female applicants, triggering 17.0 and 16.3% of denials, respectively. Credit history was the second most common issue, affecting 18.3% of males and 18.5% of females who were denied loans. These three factors each relate to the applicant’s long-term ability to repay the loan, rather than short-term availability of cash (for down-payment and closing costs) or incomplete/unverifiable information.

Table 29. Reasons for Loan Denial by Applicant Sex in Collier County, 2010-2014						
Reasons for Denial	Female Applicant(s)*		Male Applicant(s)*		Male/Female Co-Applicants	
	Count	Share	Count	Share	Count	Share
Reason provided	690	81.9%	1,039	83.3%	1,022	84.7%
Collateral	143	17.0%	203	16.3%	232	19.2%
Credit application incomplete	91	10.8%	130	10.4%	145	12.0%
Credit history	156	18.5%	229	18.3%	224	18.6%
Debt-to-income ratio	258	30.6%	380	30.4%	320	26.5%
Employment history	28	3.3%	49	3.9%	46	3.8%
Insufficient cash	52	6.2%	81	6.5%	64	5.3%
Mortgage insurance denied	26	3.1%	41	3.3%	34	2.8%
Unverifiable information	55	6.5%	92	7.4%	84	7.0%
Other	119	14.1%	165	13.2%	199	16.5%
Reason not provided	152	18.1%	209	16.7%	185	15.3%
Total Denials	842	100.0%	1,248	100.0%	1,207	100.0%

*Includes applications with a single male or female applicant and applications with male/male or female/female co-applicants.

Source: FFIEC 2010 to 2014 Home Mortgage Disclosure Act Data, Accessed via <http://www.consumerfinance.gov/hmda/>

Of the other, less common reasons for loan denials, incomplete credit applications affected 12.0% of male/female co-applicants, 10.8% of females, and 10.4% of males. Male applicants are more likely to have insufficient cash for down-payment/closing costs and unverifiable information than are male/female co-applicants and females; male applicants are also more likely to have insufficient cash and to be denied mortgage insurance. These disparities, however, tend to be small, ranging from gaps of 0.2 to 1.2 percentage points. In general, denial reasons follow similar patterns regardless of applicant sex, with debt-to-income ratios, credit history, and collateral being the most common barriers to loan approval.

Loan Approvals & Denials by Applicant Race & Ethnicity

The table that follows disaggregates loan approval rates by race and ethnicity for different levels of income. Complete race, ethnicity, and income data was available for 15,723 loan records, or 87.8% of the 17,899 total records for Collier County. Slightly more than three-fourths (76.2%) of loan applicants were non-Hispanic White and nearly one-fifth (18.8%) were Hispanic. African-American applicants made up 3.7%, followed by Asians at 1.3%.

For low- income applicants, loan approval rates ranged from 56.1% for Asians to 71.4% for African-American applicants. White applicants were approved loans in 63.5% of cases, which is lower than approval rates for Latino and African- American applicants in the same income group, but 7.4 percentage points above approval rates Asian applicants.

Moderate-income applicants had higher approval rates and lower denial rates than the low-income group for all races/ethnicities. In the moderate- income band, minority applicants had approval rates from 76.9% for Latinos to 73.1% for African-Americans compared to 80.9% for Whites. Approval rate gaps ranged from 11.6 percentage points between Asians and Whites to 7.8 between African-Americans and Whites.

At the high- income level, approval and denial rates for White applicants show less variation from those of minority applicants. Approval rates ranged from 87.5% for Asians to 85.9% for Whites. Hispanic applicants were approved loans in 78.8% of cases and Black applicants in 81.5% of cases.

Overall, this analysis indicates that loan outcomes for Whites were overall better than for minority applicants. However, African-American applicants with lower-incomes had higher approval rates than Whites, and Asian applicants had higher approval rates in the high-income group.

Table 30. Loan Approval and Denial Rates by Race and Ethnicity in Collier County, 2010-2014

Applicant Income	Non-Latino			Latino	All Applicants
	White	African American	Asian		
Low Income					
Total Applications	790	190	46	1,016	2,042
Completed Applications	695	161	41	895	1,792
Approval Rate	63.5%	71.4%	56.1%	66.8%	65.7%
Denial Rate	36.5%	28.6%	43.9%	33.2%	34.3%
Moderate Income					
Total Applications	5,413	390	88	1,843	7,734
Completed Applications	4,823	335	75	1,612	6,845
Approval Rate	80.9%	73.1%	69.3%	76.9%	79.5%
Denial Rate	19.1%	26.9%	30.7%	23.1%	20.5%
High Income					
Total Applications	7,439	81	95	508	8,123
Completed Applications	6,511	65	80	430	7,086
Approval Rate	85.9%	81.5%	87.5%	78.8%	85.4%
Denial Rate	14.1%	18.5%	12.5%	21.2%	14.6%
Total					
Total Applications	13,642	661	229	3,367	17,899
Completed Applications	12,029	561	196	2,937	15,723
Approval Rate	82.6%	73.6%	74.0%	74.1%	80.6%
Denial Rate	17.4%	26.4%	26.0%	25.9%	19.4%

Source: FFIEC 2010-2043 Home Mortgage Disclosure Act Data, Accessed via <http://www.consumerfinance.gov/hmda/>

The table on the following page identifies reasons for loan denials for White, Black, Asian, and Hispanic applicants. Data is not presented for persons of other races due to the low number of observations for this group. For each minority group, the distribution of loan denial reasons is compared to that of White applicants (as a reference group). Findings are summarized below:

- Denial reasons were less likely to be provided for Latino applicants than for Blacks, Whites and Asians. Reasons for loan denial were not reported in 19.2% of denials to Latinos and 11.5% of Asians, compared to 17.0% for Whites and 8.6% for Blacks.

- The most common reason for loan denials was debt-to-income ratio. This factor was behind from 44.2% of denials to Asians to 29.7% of denials to Latinos, and it speaks to a household's overall long-term ability to repay home loans.
- Subsequent reasons for denial vary by race and ethnicity. Debt-to-income ratio and collateral were most likely to affect White applicants, triggering 28.6% and 18.3% of denials, respectively. These were both also top three denial reasons for Black, Asian, and Hispanic applicants, but at lower rates, representing only 9.6% of denial rates to Asian applicants. Black applicants were denied loans due to insufficient collateral 2.1 percentage points more than Whites, and Hispanics 5.3 percentage points more. Similarly, credit history affected all racial and ethnic groups more than Whites, with a range as high as 16.0 percentage points between Blacks and Whites.
- In comparison to Whites, Black and Asians applicants were more likely to be denied loans due to employment history, and all ethnic groups were more likely to be denied due to "other" reasons. Incomplete credit applications were less likely to be an issue.
- For minority loan applicants, insufficient cash and unverifiable information, were more likely to be barriers to loan approval than for White applicants.

Table 31. Reasons for Loan Denial by Applicant Race and Ethnicity in Collier County, 2010-2014

Reasons for Denial	Non-Latino White Applicants		Non-Latino Black Applicants		Non-Latino Asian Applicants		Latino Applicants	
	Count	Share	Count	Share	Count	Share	Count	Share
Denial reason provided	1,779	83.0%	139	91.4%	46	88.5%	626	80.8%
Collateral	393	18.3%	31	20.4%	5	9.6%	117	15.1%
Credit application incomplete	275	12.8%	15	9.9%	4	7.7%	55	7.1%
Credit history	335	15.6%	48	31.6%	11	21.2%	183	23.6%
Debt-to-income ratio	613	28.6%	39	25.7%	23	44.2%	230	29.7%
Employment history	71	3.3%	1	0.7%	1	1.9%	41	5.3%
Insufficient cash	113	5.3%	12	7.9%	4	7.7%	53	6.8%
Mortgage insurance denied	59	2.8%	13	8.6%	0	0.0%	28	3.6%
Unverifiable information	143	6.7%	9	5.9%	4	7.7%	58	7.5%
Other	254	11.9%	42	27.6%	8	15.4%	114	14.7%
Reason not provided	364	17.0%	13	8.6%	6	11.5%	149	19.2%
Total Denials	2,143	100.0%	152	100.0%	52	100.0%	775	100.0%

Source: FFIEC 2010 to 2014 Home Mortgage Disclosure Act Data, Accessed via <http://www.consumerfinance.gov/hmda/>

Loan Actions by Census Tract Minority Percentage

Census tracts often approximate neighborhoods and can provide a convenient measure of the small area effects of loan discrimination. The following table (HMDA Loan actions by Census Tract Minority Percentage) provides the counts and rates of loan actions⁴⁵ for Collier County census tracts by level of minority population.

The categories shaded in green show loans that were approved by a HMDA-reporting loan institution. Many loans were approved and resulted in a mortgage (Loan Originated), although in some cases an application was approved but the applicant decided not to finalize the loan; these are categorized as “Approved but Not Accepted.”

Over half of loan applications (59.6%) were for homes in census tracts with minority population shares from under 30% of the tract total. Loan applications from tracts with minority population shares above 30% made up only 9.9% of the total. Overall, loan origination rates tended to decline as the share of minority population increased. For tracts that were 20-50% minority, loan origination rates were about 65%; this rate fell to the mid-50s for tracts with 50-90% minority population and down to 44.5% for tracts that were over 90% minority.

Denial rates tended to increase as minority population shares rose. Lowest loan denial rates were in tracts that were 0.0-9.9% minority (denial rates of 14.8%) compared to a high of 31.3% for tracts that were over 90% minority.

⁴⁵ Loan approvals include “Loan Originated” and “Approved but Not Accepted.” “Application Denials by the Financial Institution” was the single category used to calculate Denial Rates. Other loan action categories included “Application Withdrawn by Client” and “File Closed for Incompleteness.”

**Table 32. HMDA Loan Actions by Census Tract Minority
Percentage in Collier County, 2010-2014**

Tract Minority Percentage	Loan Originated	Approved, Not Accepted	Denied by Financial Institution	Withdrawn by Applicant	Closed Incomplete	Total
Loan Action (Counts)						
0.0%-9.9%	2,539	220	575	433	108	3,875
10%-19.9%	2,825	214	666	431	90	4,226
20%-29.9%	2,548	164	650	398	79	3,839
30%-39.9%	2,068	143	659	364	66	3,300
40%-49.9%	1,809	127	521	289	52	2,798
50%-59.9%	284	15	101	45	8	453
60%-69.9%	408	35	131	54	8	636
70%-79.9%	276	26	91	48	11	452
80%-89.9%	178	17	69	35	10	309
90%-99.9%	57	10	40	15	6	128
Total	12,992	971	3,503	2,112	438	20,016
Loan Action (Rates)						
0.0%-9.9%	65.5%	5.7%	14.8%	11.2%	2.8%	100.0%
10%-19.9%	66.8%	5.1%	15.8%	10.2%	2.1%	100.0%
20%-29.9%	66.4%	4.3%	16.9%	10.4%	2.1%	100.0%
30%-39.9%	62.7%	4.3%	20.0%	11.0%	2.0%	100.0%
40%-49.9%	64.7%	4.5%	18.6%	10.3%	1.9%	100.0%
50%-59.9%	62.7%	3.3%	22.3%	9.9%	1.8%	100.0%
60%-69.9%	64.2%	5.5%	20.6%	8.5%	1.3%	100.0%
70%-79.9%	61.1%	5.8%	20.1%	10.6%	2.4%	100.0%
80%-89.9%	57.6%	5.5%	22.3%	11.3%	3.2%	100.0%
90%-99.9%	44.5%	7.8%	31.3%	11.7%	4.7%	100.0%
Total	64.9%	4.9%	17.5%	10.6%	2.2%	100.0%

Source: FFIEC 2010 to 2014 Home Mortgage Disclosure Act Data, Accessed via <http://www.consumerfinance.gov/hmda/>

Summary of HMDA Analysis

This analysis found differences in loan approvals and denials by sex, race, and ethnicity varied depending on income levels, as outlined below:

- At the low- income level, female applicants had higher approval rates and lower denial rates than both male/female co-applicants and male applicants. As incomes increased to the high-income group, male/female co-applicants had higher loan approval rates.
- A comparison of loan outcomes by applicant race/ethnicity shows that there is a 7.4 percentage point gap in approval rates between low income White and Asian loan applicants. In the highest income category, approval rates are more similar for each of these applicant groups, varying by 7.7 percentage points for Whites and Hispanics and with Asians having higher approval rates than Whites by 2.4 percentage points.
- Regardless of race, ethnicity, or sex, one of the most common reasons for loan denials was debt-to-income ratio. Collateral and credit history were also frequent barriers. Comparing denial reasons for White and Black applicants shows that Blacks were more likely to be denied due credit history, employment history and insufficient cash. Hispanics and Asians were more likely to be hindered by unverifiable information and “other” reasons. Denial reasons varied little by applicant sex.

While this data uncovers disparity in loan approvals by race, ethnicity, and sex at some income levels, it is not possible to determine if the lender motivation for this disparate treatment was due to economic reasons, social discrimination or both.

Fair Housing Organizations & Activities

Public awareness of fair housing issues and laws is critical to reducing fair housing violations and is a means to ending housing discrimination. This awareness of fair housing rights is also a critical component in ensuring that residents have equitable access to healthy, opportunity-rich neighborhoods that are in line with their needs and preferences. In general, fair housing services can typically include the investigation and resolution of housing discrimination complaints; discrimination auditing and testing; and education and outreach; including the dissemination of fair housing information such as written material, workshops, and seminars. In addition, fair housing agencies may also provide counseling services that educate landlords and tenants of their rights and responsibilities under fair housing law and other consumer protection legislations. In some instances these agencies also mediate disputes between tenants and landlords.

The goal of fair housing education is to ensure that citizens know their rights and what to do if their rights have been violated. This section provides an overview of available fair housing services and educational activities available to residents in the county.

HUD's Office of Fair Housing and Equal Opportunity (FHEO) enforces the Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending, and other related transactions in Collier County. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP).

Locally, Collier County's Community and Human Services Division coordinates fair housing services and education within the county. These services include an informational webpage with links to other national and state resources on fair housing. Collier County Legal Aid does not specifically provide fair housing services or education, but may assist residents with landlord/tenant and other matters related to housing. Other than these limited local resources, residents generally must turn to HUD or the Florida Commission on Human Relations. There are no organizations known to conduct testing or to be specifically engaged in other fair housing enforcement or investigation activities.

Housing Discrimination Complaints & Lawsuits

Housing Discrimination Complaints

HUD's Office of Fair Housing and Equal Opportunity (FHEO) administers federal laws and establishes national policies that make sure all Americans have equal access to the housing of their choice. Individuals who believe they are victims of housing discrimination can choose to file a fair housing complaint through the respective Regional FHEO. Typically, when a complaint is filed with the agency, a case is opened and an investigation of the allegations of housing discrimination ensues.

If the complaint cannot be successfully mediated, the FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a "Determination", as well as a "Charge of Discrimination", and a hearing is scheduled before a HUD administrative law judge. Either party (complainant or respondent) may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court.

A study titled "How Much Do We Know" published by HUD in 2002, reports that only half of the public could correctly identify as unlawful six out of eight scenarios describing illegal fair housing conduct. Approximately one-fourth of the public knew the law in two or fewer of the eight cases. In addition, 14% of the adult population claims to have experienced some form of housing discrimination at one point or another in their lives. Of those who thought they had been discriminated against, 83% indicated they had done nothing about it, while 17% say they did pursue a complaint. In HUD's follow-up study "Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law" (published in 2006) "41 percent of the former survey respondents said it was "very likely" they would do something about future discrimination compared to only 20 percent in the 2005 survey of which African Americans are even somewhat more prone to say they would be likely to respond"⁴⁶. The survey revealed that 46% of those who reported having experienced discrimination in the past and done nothing about it said they would very likely do something about future discrimination.

Individuals with more knowledge are more likely to pursue a complaint than those with less knowledge of fair housing laws. Therefore, there is an association between knowledge of the law, the discernment of discrimination, and attempts to pursue it. Locally, it is critical that

⁴⁶Martin D. Abravanel and Mary K. Cunningham, *Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law*, U.S. Department of Housing and Urban Development, February 2006. Source: <http://www.fhco.org/pdfs/DoWeKnowMoreNowSurvey2006.pdf>

there are efforts in place to educate, to provide information, and to provide referral assistance regarding fair housing issues in order to better equip persons with the ability to assist in reducing impediments.

Each year, the National Fair Housing Alliance (NFHA) collects data from both private, non-profit fair housing organizations and government entities to present an annual snapshot of fair housing enforcement in the United States.⁴⁷ NFHA's 2015 report, "Where You Live Matters: 2015 Fair Housing Trends Report" finds a small increase in housing discrimination complaint filings between 2013 (27,352 filings) and 2014 (27,528 filings), however, the number of housing discrimination complaints filed in 2014 represented a 1.2% decrease in filings compared with the five-year average of 27,868. In 2014, the predominant basis of complaints filed was disability status, representing 51.8% of all complaints, followed by race (22.0%), and familial status (11.0%).

The figures reported by NFHA help to set a national context for comparison, but data specifically pertaining to fair housing complaints originating from Collier County are discussed in the following sections. The Collier County complaint data was obtained from two sources: HUD and the Florida Commission on Human Relations.

Complaints Filed With HUD

Region IV of the Office of Fair Housing and Equal Opportunity (FHEO) receives complaints by households regarding alleged violations of the Fair Housing Act for cities and counties throughout Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The mission of the FHEO is to protect individuals from employment, housing and public accommodation discrimination, and hate violence. To achieve this mission, the FHEO maintains databases of and investigates complaints of housing discrimination, as well as complaints in the areas of employment, housing, public accommodations and hate violence. The following table provides summary details of the complaints received by the Region IV FHEO over the period January 2011 through November 2015 regarding housing discrimination alleged to have occurred in Collier County.

From January 1, 2011 to November 1, 2015 there were 69 housing complaints from within Collier County filed with HUD FHEO. Of these complaints, 36 were found to have no cause, 15 were conciliated and settled, three remain open cases, and the others were closed for other reasons as detailed in the table below. Consistent with the national trends reported by NFHA, the most common basis for these complaints was disability status (36 complaints) followed by national origin (16), race (8), familial status (6), sex (2), and retaliation (1).

⁴⁷National Fair Housing Alliance, "2015 Fair Housing Trends Report," Accessed February 22, 2016. <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=SYWmBgwpazA%3d&tabid=3917&mid=5321>

Table 33. HUD Complaint Statistics

Complaint Closure	Closure Reason	Bases
1/17/2011	Lack of Jurisdiction	Disability - Physical, Sex - Female,
7/13/2011	No Cause	Familial Status - Under 18, National Origin - Hispanic or Latino,
8/2/2011	Conciliated/Settled	Disability - Mental,
8/18/2011	No Cause	Race - Black or African-American, National Origin - Other than Hispanic or Latino,
9/12/2011	FHAP Judicial Dismissal	Race - Black or African-American,
9/12/2011	Conciliated/Settled	Sex - Female,
9/13/2011	No Cause	Disability - Mental, Disability - Physical,
10/19/2011	Conciliated/Settled	Race - Black or African-American, Retaliation
12/20/2011	Conciliated/Settled	Disability - Physical,
2/17/2012	Conciliated/Settled	Disability - Physical,
3/6/2012	Withdrawal Without Resolution	National Origin - +H46:H61 Hispanic or Latino,
3/29/2012	Complainant Failed to Cooperate	Disability - Physical,
3/29/2012	Withdrawal Without Resolution	Disability - Physical,
5/23/2012	Withdrawal Without Resolution	Disability - Mental,
6/4/2012	Conciliated/Settled	Disability - Physical,
6/11/2012	No Cause	Disability - Physical,
9/4/2012	Conciliated/Settled	Disability - Physical,
9/10/2012	Complainant Failed to Cooperate	Sex - Female,
9/25/2012	No Cause	National Origin - Hispanic or Latino,
10/12/2012	Withdrawn After Resolution	Disability - Physical,
1/23/2013	Complainant Failed to Cooperate	Familial Status - Under 18,
3/15/2013	Complainant Failed to Cooperate	Familial Status - Under 18,
6/17/2013	No Cause	Disability - Physical,
8/30/2013	Conciliated/Settled	Disability - Physical,
9/5/2013	Conciliated/Settled	Disability - Physical,
10/24/2013	Conciliated/Settled	Disability - Mental, Disability - Physical, Disability - Companion Animal,
10/29/2013	Conciliated/Settled	Race - Black or African-American, Sex - Female, Color,
10/29/2013	Conciliated/Settled	Race - Black or African-American, Sex - Female, Color,
12/23/2013	Complainant Failed to Cooperate	National Origin - Other than Hispanic or Latino,

2/5/2014	No Cause	Disability - Physical,
3/5/2014	Conciliated/Settled	Disability - Physical,
5/6/2014	Complainant Failed to Cooperate	Disability - Companion Animal,
6/10/2014	Withdrawn After Resolution	Disability - Physical,
6/18/2014	No Cause	National Origin - Hispanic or Latino,
7/14/2014	Withdrawal Without Resolution	Disability - Companion Animal,
7/14/2014	No Cause	Disability - Mental, Disability - Physical, Familial Status - Under 18,
9/16/2014	No Cause	Disability - Physical, National Origin - Other than Hispanic or Latino,
9/16/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/16/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/24/2014	No Cause	Retaliation
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/26/2014	No Cause	National Origin - Other than Hispanic or Latino,
9/29/2014	No Cause	Familial Status - Under 18, National Origin - Other than Hispanic or Latino,
9/29/2014	No Cause	National Origin - Hispanic or Latino, National Origin - Other than Hispanic or Latino,
9/30/2014	No Cause	Disability - Mental, Disability - Companion Animal, Retaliation
9/30/2014	No Cause	National Origin - Other than Hispanic or Latino,
10/10/2014	No Cause	Disability - Mental,
10/29/2014	No Cause	Race - Black or African-American, National Origin - Other than Hispanic or Latino,
11/4/2014	No Cause	Disability - Physical,
12/4/2014	No Cause	Race - Asian, Familial Status - Under 18,
1/12/2015	No Cause	Disability - Physical, Disability - Companion Animal, Retaliation
1/12/2015	No Cause	National Origin - Other than Hispanic or Latino,
1/28/2015	No Cause	Disability - Physical,
2/25/2015	No Cause	Race - Black or African-American,
4/2/2015	No Cause	Disability - Physical,
5/18/2015	No Cause	National Origin - Hispanic or Latino,
5/27/2015	Complainant Failed to Cooperate	Disability - Mental, Retaliation
5/27/2015	Conciliated/Settled	Disability - Physical,
6/18/2015	No Cause	Disability - Mental,
6/26/2015	Conciliated/Settled	Disability - Mental, Disability - Companion Animal,
7/15/2015	No Cause	Familial Status - Under 18,
11/12/2015	No Cause	Disability - Mental, Disability - Companion Animal,

Open	TBD	Disability - Physical,
Open	TBD	Disability - Physical,
Open	TBD	Familial Status - Under 18,

The full complaint data as provided by FHEO and including detail such as case numbers and names may be found in full in the Appendix to this document.

Complaints from the Florida Commission on Human Relations

The Florida Commission on Human Relations was created by the Florida Legislature and investigates complaints of discrimination in housing, employment, and public accommodation in the interest of upholding Florida’s civil rights and fair housing laws. When a housing discrimination complaint is filed with the Commission, the respondent is sent a request for response to the filed charge(s). The Commission next attempts to resolve the complaint through mediation. If mediation is unsuccessful or refused, the Commission investigates the complaint and makes a determination of cause. If a complaint is found to have cause, the Commission will attempt to reach a conciliation with the parties. Where the conciliation process is unsuccessful, the complainant may choose to have his case resolved in court.

The Commission records complaints on a fiscal year basis. All housing discrimination complaints received by the Commission from within Collier County over the most recent five-year period for which data was available are tabulated in the table below.

Table 34. Collier County Housing Complaint Statistics				
Year	Received	Resolved	Bases (in order of frequency)	Disposition
FY 10-11	10	9	Disability, Familial Status, Sex, Race and National Origin	Cause 2, No Cause 4, Admin. 3
FY 11-12	11	11	Disability, National Origin and Familial Status	Cause 5, No Cause 2, Admin. 4
FY 12-13	13	13	Disability, Sex, Race, Familial Status, National Origin and Color	Cause 6, No Cause 3, Admin. 4
FY 13-14	7	7	Disability, National Origin	Cause 1, No Cause 4, Admin. 2
FY 14-15	11	11	Disability, National Origin, Race and Familial Status	Cause 2, No Cause 8, Admin. 1

Of the 52 complaints received by the Commission over the past five years, 16 were found to have cause, 21 were determined to have no cause, and 14 were administratively closed for various reasons. As with the national data from NFHA and the Collier County complaint data from HUD, disability status was the most common basis for complaints.

Discrimination on the Basis of Sexual Orientation or Gender Identity

Sexual orientation and gender identity are not specifically named as protected classes under the federal Fair Housing Act, however, a lesbian, gay, bisexual, or transgender person may experience discrimination due to his or her sexual orientation or gender identity that is considered to be unlawful under one of the existing classes protected by the statute. Additionally, discrimination on the basis of sexual orientation or gender identity may violate federal regulations if perpetrated by an entity funded or insured by HUD or the Federal Housing Administration. The housing discrimination complaints described in this section do not include sexual orientation or gender identity as bases, however, survey-based research has repeatedly shown that lesbian, gay, bisexual, and transgender individuals may be targets of housing discrimination.

More rigorous research recently published by HUD's Office of Policy Development and Research studied responses to rental housing inquiries made by same-sex couples and found that heterosexual couples are significantly more likely than same-sex couple counterparts to receive responses from prospective landlords.⁴⁸ Specifically, "heterosexual couples were favored over gay male couples in 15.9 percent of tests and over lesbian couples in 15.6 percent of tests."⁴⁹ A further finding of this study was that, for those same-sex couples whose inquiry received an initial response, subsequent treatment by the prospective landlord was generally equal to that of the heterosexual control group. This finding suggests that the most pervasive form of housing discrimination against same-sex couples in the rental market involves a simple refusal on the part of the landlord to respond the initial inquiry.

Although the complaint data in this section does not address housing discrimination on the bases of sexual orientation or gender identity, this type of discrimination is likely to occur and may limit the housing choice of some groups of county residents.

⁴⁸ M. Davis and Company, Inc., "An Estimate of Housing Discrimination Against Same-Sex Couples," Report for the U.S. Department of Housing and Urban Development Office of Policy Development and Research, September 2013.

⁴⁹ Ibid.

Hate Crimes

Hate crimes are crimes committed because of a bias against race, religion, disability, ethnicity, sexual orientation, or gender identity. In an attempt to determine the scope and nature of hate crimes, the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program collects statistics on these incidents, including what kind of hate crimes are committed and by whom. Persons who commit hate crimes can face time in prison, large fines or both, especially for violent acts, serious threats of harm, or injuries to victims. These same behaviors may also violate similar state and local laws, leading to additional punishment.

To a certain degree, hate crimes are an indicator of the environmental context of discrimination. They become a fair housing concern when residents are intimidated or harassed at their residence or neighborhood. Fair housing violations due to hate crimes also occur when people will not consider moving into certain neighborhoods, or have been run off from their homes for fear of harassment or physical harm. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate or act violently toward a person who has exercised their right to free housing choice. Some examples of illegal behavior include threats made in person, writing or by telephone; vandalism of the home or property; rock throwing; suspicious fires, cross-burning or bombing; or unsuccessful attempts at any of these.

Note that hate crime data does not include actions or behaviors motivated by hate but protected by the First Amendment right to freedom of expression. Examples can include name calling, epithets, distribution of hate material in public places, and the display of offensive hate-motivated material on one's property. The freedom guaranteed by the U.S. Constitution, such as the freedom of speech, allows hateful rhetoric as long as it does not interfere with the civil rights of others.

Reporting hate crimes is voluntary on the part of the local jurisdictions. Some states started submitting data only recently, and not all jurisdictions are represented in the reports. Many jurisdictions, including those with well-documented histories of racial prejudice, reported zero hate crimes. Another obstacle to gaining an accurate count of hate crimes is the reluctance of many victims to report such attacks.

Hate crime statistics compiled for Collier County show that a total of 13 hate crimes were committed in the last five years. Five were based on religion, three on sexual orientation, three on race, and two on ethnicity. There were no hate crimes recorded on the basis of disability. In comparison, Florida metropolitan counties that reported hate crimes to the FBI averaged 11.6 crimes over the five year period. The majority were based on race or ethnicity (67.8%), followed by sexual orientation (19.6%).

Table 35. Hate Crime by Bias Motivation in Collier County, 2010 to 2014						
Year	Number of incidents per bias motivation					
	Race	Religion	Sexual Orientation	Ethnicity	Disability	Total
2010	1	4	1	2	0	8
2011	0	1	1	0	0	2
2012	1	0	1	0	0	2
2013	1	0	0	0	0	1
2014	0	0	0	0	0	0
5-Year Total	3	5	3	2	0	13

Source: U.S. Department of Justice Federal Bureau of Investigation, <https://www.fbi.gov/about-us/cjis/ucr/hate-crime>

Housing Discrimination Lawsuits

This section will provide a summary of the nature, extent, and disposition of significant housing discrimination lawsuits and administrative complaints filed and/or adjudicated between January 2010 and November 2015. The cases discussed below include not only complainants and subject properties within Collier County, but also significant fair housing cases reviewed by the United States Supreme Court, the Court of Appeals for the Eleventh Circuit, the federal district courts of Florida, those initiated by HUD or the DOJ on behalf of aggrieved parties in Florida, and those adjudicated under state fair housing laws in Florida state court for this time period. Significant Florida cases occurring outside Collier County are included because the issues presented may impact future legislation and litigation or fair housing choice within the Collier County study area.

Florida has adopted a parallel version of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the “Fair Housing Act”), known as the Florida Fair Housing Act (F.S. §760.20 *et seq.*). Both the FHA and the Florida Fair Housing Act (“FFHA”) prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on sex, race, color, disability, religion, national origin, or familial status. The FFHA does not extend protections to any other class of persons outside of those protected by the federal standards. However, in addition to the seven protected classes, the FFHA explicitly provides that it is unlawful to discriminate in land use decisions or in the permitting of development based on the source of financing of a development (F.S. § 760.26).

An individual who believes he or she has been the victim of an illegal housing practice under the FHA may file a complaint with the Department of Housing and Urban Development (“HUD”) or file a lawsuit in federal or state court. Additionally, the Department of Justice may bring suit on behalf of individuals based on referrals from HUD.

Under Florida fair housing laws, the Florida Commission on Human Relations (FCHR) has the authority and responsibility to administer and enforce the FFHA. A complainant may choose this lesser expensive, informal conciliation procedure by first filing an administrative complaint with the Commission, to be followed by litigation should conciliation efforts fail. When a complaint is filed with the Commission, it will commence an investigation, and, if it decides corrective action is needed, it will first try to resolve the alleged discriminatory practice by informal methods of “conference, conciliation, and persuasion.” If the Commission finds reasonable cause to believe that a discriminatory housing practice has occurred, the complainant may elect to have the matter resolved in an administrative proceeding pursuant to F.S. § 760.35(3)(a). The Division of Administrative Hearings will conduct an evidentiary hearing before an Administrative Law Judge. The ALJ will then issue a Recommended Order. The Commission may then adopt the findings and recommendations of the ALJ or otherwise determine what action to take, if any. Both parties have the right to seek judicial review of the Commission’s order.

Based on a review of the Commission’s Final Orders for 2010-2015, (available at http://fchr.state.fl.us/fchr/complaints_1/final_orders), most discriminatory housing related cases involve isolated incidences between an aggrieved tenant and housing provider or HOA. Where relief is granted by the Commission, the award usually involves an order that the housing provider cease and desist from the discriminatory practice and pay the aggrieved party a small amount in damages, ranging from a few hundred to a few thousand dollars.

Also, if the Commission finds reasonable cause to believe that a discriminatory housing practice has occurred, the state Attorney General may bring an action on behalf of the aggrieved person. If the respondent is found liable, the court may impose injunctive and compensatory relief.

The FFHA provides that wherever a local fair housing law provides rights and remedies which are substantially equivalent to the FFHA, the Commission must notify the appropriate local agency of an alleged violation and take no further action if the local enforcement official commences proceedings in the matter. A local agency also may institute a civil action, without the need to first exhaust administrative remedies, if it is unable to obtain voluntary compliance with its local fair housing law. Neither Collier County nor Naples have adopted local fair housing laws which expand on the rights granted under the FFHA.

Alternatively, an aggrieved party may commence a civil action in state or federal court without first exhausting administrative remedies. *Milsap v. Cornerstone Residential Mgmt., Inc.*, Civil Action No. 05-60033-CIV-MARRA, 2007 WL 965590 (S.D. Fla. Feb. 1, 2010). Cases brought in state circuit court generally proceed more quickly and are less costly in terms of litigation expenses than cases adjudicated in federal district court, which provides a strong incentive for complainants to seek relief under state fair housing laws. The FFHA is closely patterned after the federal FHA, and accordingly, Florida courts have historically been guided by federal law in deciding claims of housing discrimination. *See Dornbach v. Holley*, 854So.2d 211, 213 (Fla. Dist. Ct. App. 2002) (“The Florida Legislature essentially codified the Federal Act when it enacted the Florida Fair Housing Act.”); *Bhogaita v. Altamonte Heights Condo. Ass’n, Inc.*, 765 F.3d 1277, 1285 (11th Cir. 2014) (“The FHA and the Florida Fair Housing Act are substantively identical, and therefore the same legal analysis applies to each.”).

Housing discrimination claims have been brought against local governments and zoning authorities and against private housing providers. The cases reviewed below reflect the interests of a wide variety of aggrieved plaintiffs including individuals and families impacted by discrimination, the state Attorney General, and the Department of Housing and Urban Development (HUD) and the U.S. Department of Justice (DOJ) to protect the public interest. The cases brought by HUD and the DOJ are highlighted because they demonstrate the government’s interest in protecting fair housing choice and redressing housing discrimination even on a small, localized scale where the case raises an issue of general public importance under the FHA.

Disparate Impact Claims and the FHA

Under Florida and Eleventh Circuit precedent, a plaintiff can establish a violation under the FHA (or FFHA) by proving discrimination in the form of: (1) disparate treatment or intentional discrimination; (2) disparate impact of a law, practice or policy on a covered group; or (3) by demonstrating that the defendant failed to make reasonable accommodations in rules, policies, practices, or services so as to afford people with disabilities an equal opportunity to live in a dwelling. *See Jackson v. Okaloosa County, Fla.*, 21 F.3d 1531, 1543 (11th Cir. 1994); *Hallmark Developers, Inc. v. Fulton County, Ga.*, 466 F.3d 1276, 1286 (11th Cir. 2006); *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1226 (11th Cir. 2008) (“Equal opportunity means that a disabled person must be afforded the same opportunity to use and enjoy the dwelling as a non-disabled person. Preferential treatment is not required.”) The cases discussed below in Section III generally proceed under one or more of these theories of housing discrimination.

Though not explicitly codified in the FHA, all of the federal circuits, including the Eleventh Circuit which has jurisdiction to hear appeals from Florida district courts, have held or

implied that the FHA affords plaintiffs the ability to prove fair housing violations on the theory of disparate impact. *United States v. Marengo Cty. Comm'n*, 731 F.2d 1546, 1559, n. 20 (11th Cir. 1984); *Jackson v. Okaloosa County*, 21 F.3d 1531 (11th Cir. 1994). A disparate impact analysis under the FHA examines whether a facially neutral policy has a differential impact or effect on a particular group. See *Huntington Branch N.A.A.C.P. v. Huntington*, 844 F.2d 926, 933 (2d Cir. 1988). To prevail on a disparate impact claim under the FHA, plaintiffs must first establish a prima facie case by showing that the challenged policy has a discriminatory effect, in that it actually or predictably results in discrimination. Under this theory, the plaintiff is not required to show discriminatory intent on the part of the defendant. Generally, plaintiffs establish such an effect by using statistical evidence to compare those affected by the policy with those unaffected by the policy. See *Schwarz v. City of Treasure Island*, 544 F.3d 1201 (11th Cir. 2008); *Tsombanidis v. West Haven Fire Dep't*, 352 F.3d 565, 575–76 (2d Cir. 2003).

Moreover, on February 15, 2013, HUD issued a regulation interpreting the FHA to encompass disparate impact liability (the “Disparate Impact Rule”). See *Implementation of the Fair Housing Act’s Discriminatory Effects Standard*, 78 Fed. Reg. 11460 (Feb. 15, 2013) (codified at 24 C.F.R. § 100.500 (2013)). The Disparate Impact Rule formalizes HUD’s recognition that liability under the FHA may arise from a facially neutral practice that has discriminatory effects on certain protected groups of people, regardless of whether discriminatory intent can be shown. The Disparate Impact Rule also establishes a three-step burden-shifting approach to deciding disparate impact claims. Under the regulation, a plaintiff first must make a prima facie showing of disparate impact, that is that a challenged practice caused or predictably will cause a discriminatory effect. If shown that the statistical discrepancy is caused by the defendant’s policy, the burden shifts to the defendant to prove that the challenged practice is “necessary to achieve one or more substantial, legitimate, nondiscriminatory interests.” Once a defendant has satisfied its burden at step two, a plaintiff may “prevail upon proving that the substantial, legitimate, nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect.”

Despite the federal circuit courts’ recognition of disparate impact claims under the FHA and HUD’s codification of the theory through its rule-making authority, the Disparate Impact Rule received a lot of pushback and criticism, especially from the lending and insurance industries. In 2015, the U.S. Supreme Court finally had the chance to answer whether disparate impact claims are cognizable under the Fair Housing Act or whether the aggrieved protected class must meet a higher standard by proving intentional discrimination.

On January 21, 2015, the Supreme Court heard oral arguments in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.*, 747 F.3d 275 (5th Cir. 2014), *cert. granted*, 189 L. Ed. 2d 896 (2014), after the Texas DHCA was sued over the

allocation of tax credits for low-income building projects. This case was the Court's third opportunity since 2012 to rule on the issue. The prior two cases, *Mt. Holly Gardens Citizens in Action, Inc. v. Township of Mount Holly*, 658 F.3d 375 (3d Cir. 2011), *cert. granted*, 133 S. Ct. 2824, 186 L. Ed. 2d 883 (2013) and *Magner v. Gallagher*, 619 F.3d 823 (8th Cir. 2010), *cert. granted*, 132 S. Ct. 1306 (2012) were both settled after the completion of briefing but before the Court could hear oral argument and answer the question presented.

In the Texas case, the Inclusive Communities Project, Inc. (ICP), a Texas-based nonprofit corporation that assists low-income families in obtaining affordable housing, brought a disparate-impact claim under §§804(a) and 805(a) of the FHA, alleging that the Department and its officers had caused continued segregated housing patterns by allocating too many tax credits to housing in predominantly black inner-city areas and too few in predominantly white suburban neighborhoods. Relying on statistical evidence, the district court concluded that the ICP had established a prima facie showing of disparate impact. After assuming the Department's proffered non-discriminatory interests were valid, it found that the Department failed to meet its burden to show that there were no less discriminatory alternatives for allocating the tax credits. While the Department's appeal was pending, the Secretary of HUD issued the Disparate Impact Rule, a regulation interpreting the FHA to encompass disparate-impact liability and establishing a burden-shifting framework for adjudicating such claims. The Fifth Circuit held that disparate-impact claims are cognizable under the FHA, but reversed and remanded the case on the merits, concluding that, in light of the new regulation, the district court had improperly required the Department to prove less discriminatory alternatives.

On appeal, the Supreme Court held that disparate-impact claims are cognizable under the Fair Housing Act. In formulating its opinion, the Court considered the statutes "results-oriented language," the Court's interpretation of similar language in Title VII and the ADEA, Congress' ratification of disparate-impact claims in 1988 against the backdrop of the unanimous view of nine Courts of Appeals, and the statutory purpose of the FHA.

The Court highlighted that under the FHA it is unlawful to "refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to a person because of race" or other protected characteristic, §804(a), or "to discriminate against any person in" making certain real-estate transactions "because of race" or other protected characteristic, §805(a). It explained that these unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification. The Court reasoned that the results-oriented phrase "otherwise make unavailable" refers to the consequences of an action rather than the actor's intent. In upholding the disparate impact theory of recovery, the Court recognized that it plays an important role in uncovering discriminatory intent as it permits plaintiffs to counteract

unconscious prejudices and disguised animus that escape easy classification as disparate treatment.

Although recognizing disparate impact liability, the Court focused much of its opinion on the importance of properly limiting such liability to protect valid interests and policies of private developers and government housing authorities, and to prevent overbroad applications that would in themselves raise serious constitutional questions (for instance, by the use of racial quotas). Racial imbalance alone, without more, does not establish a prima facie case of disparate impact. Rather disparate impact analysis must include a “robust causality requirement” to protect defendants from being held liable for racial disparities they did not create. A disparate-impact claim relying on a statistical disparity must fail if the plaintiff cannot point to a defendant’s policy or policies causing that disparity. Quoting HUD’s rulemaking, the Court emphasized that relevant to the present case, disparate-impact liability “does not mandate that affordable housing be located in neighborhoods with any particular characteristic.” The Court directed the trial courts to examine with care claims at the pleading stage and dismiss those that cannot show the requisite causality. Defendants must be given the opportunity to offer a legitimate justification for the policy or practice, and if they do so, the plaintiff must prove there is “an available alternative practice that has less disparate impact and serves the defendant’s legitimate needs.” Finally, where unlawful disparate impact is found, “remedial orders” must “concentrate on the elimination of the offending practice” through “race-neutral means.”

The Court did not actually rule on whether the Texas Department of Housing had acted unlawfully, but remanded the case to the District Court to adjudicate whether the Department of Housing’s policy was necessary to achieve a valid public interest.

The Court’s limitations and directions to the lower courts may be seen to be in tension with HUD’s final rulemaking on the matter, and such questions will likely have to be further worked out in future litigation as the decision is applied by the lower courts to local housing discrimination claims.

Analysis of Case Law

There have been no significant fair housing lawsuits filed against the governing authorities of Collier County, Naples, or Everglades City within the past five years. However, the Florida Attorney General’s office has filed two fair housing lawsuits in Collier County Superior Court on behalf of aggrieved persons within that time period. The first was against a Naples condominium association for discrimination based on disability and a failure to make a reasonable accommodation. The second was against a Naples private housing cooperative for discrimination based on familial status.

Though the remaining cases presented do not specifically involve the Collier County study area, they are included because they were adjudicated by the federal Eleventh Circuit and the district courts of Florida, or deemed worthy of prosecution by HUD or the DOJ to protect the public interest. The issues presented may provide precedent for future legislation and litigation or fair housing choice policy within Collier County.

The cases summarized below were instigated based on discriminatory housing practices against five main protected classes: (i) six cases were brought based on disability and/or a failure to make a reasonable accommodation; (ii) two cases were brought based on familial status; (iii) four cases were brought based on race or color; (iv) one case was brought based on gender; and (v) one case was brought based on sexual orientation/ marital status.

Of the thirteen cases presented, two are specific to Collier County/Naples, two were brought by operators of residential substance abuse treatment facilities for alleged discriminatory zoning practices, two were brought by the United States Department of Justice against a local government authority, four were brought by the U.S. DOJ against private housing providers, one was brought by a city against banks for discriminatory lending practices, and two were administrative cases brought by HUD against banks for discriminatory lending practices.

Cases arising in Collier County:

- ***State of Florida v. Quincy Square at Madison Park Condominium Assoc., Inc., Civil Action No. 2013-CA-620 (Collier County Superior Ct.) (complaint filed Feb. 15, 2013; dismissal following settlement Jan. 6, 2014).***

In this Collier County case, the state Attorney General filed suit on behalf of Mr. Cain against a condominium association and its president for alleged violations of the Florida Fair Housing Act. It was the first time since 2005 that the Attorney General's Office filed a lawsuit in Collier County to seek redress for a discriminatory housing practice.

The facts of the case showed that Cain is paralyzed from the chest down and requires a wheelchair. He drives a pickup truck equipped with a wheelchair lift. Cain rented and occupied a unit within the Quincy Square at Madison Park development in Naples, Collier County. The rental unit's garage was too small to accommodate the height of Cain's wheelchair-accessible truck and the width necessary for him to enter and exit his vehicle, and therefore, Cain parked his truck in his unit's driveway. The condominium association's rules required trucks to be parked fully enclosed in a garage, although other residents besides Cain also parked vehicles in driveways. Six months after moving in, Quincy Square placed a parking violation notice on Cain's truck. His mother notified property management of Cain's wheelchair accessible truck and was supposedly told that there was no problem with it being parked outside the garage. However, a few weeks later another parking violation notice was issued. More violation notices followed until Quincy Square's attorney

filed a petition for nonbinding arbitration to enforce its parking regulations. Cain's answer to the petition explicitly requested that the association make a reasonable accommodation.

In April 2011, Cain filed a housing discrimination complaint with HUD, which was later transferred to the Florida Commission on Human Relations. The FCHR issued a finding that there was reasonable cause to believe a discriminatory housing practice had occurred. Cain then elected to have the Attorney General represent him in this action under Fl. Stat. § 760.34. The Attorney General sought damages, injunctive relief, and civil penalties for the condo association's refusal to make a reasonable accommodation on the basis of Cain's disability when such accommodation would be necessary to afford Cain an equal opportunity to use and enjoy his dwelling. The complaint alleged that defendants' actions not only harmed Cain but also harmed the public interest.

To avoid the further time and expense of litigation, the parties then agreed to a settlement of all claims. Under the settlement agreement, the defendants agreed to pay \$55,000 in damages and to conduct a seminar for its Board of Directors describing the rights and responsibilities of federal and state fair housing laws, especially as they relate to reasonable accommodations for persons with disabilities.

The Attorney General then voluntarily dismissed its action against the condo association on January 6, 2014, reserving the court's jurisdiction to enforce the terms of the settlement.

- ***State of Florida v. Naples Harbour Club Assoc., Inc.*, Civil Action No. 2013-CA-003255 (Collier County Superior Ct.) (complaint filed Nov. 27, 2013).**

In this action, the state Attorney General filed suit on behalf of complainants Tom and Holly Tramultola against the Naples Harbour Club Association ("Harbour Club"), its secretary/treasurer, its board, and the development's property management company for violating the Florida Fair Housing Act provisions protecting the familial status of prospective tenants. Harbour Club is not an established 55+ housing community, and is not exempt under the FHA or FFHA with regards to familial status.

Harbour Club is a residential cooperative comprised of twenty units and common areas. Among other duties, the Harbour Club board establishes and enforces the regulations of the Harbour Club, reviews and approves transfers of ownership and subleasing, and contracts for the management and maintenance of the Harbour Club. Its bylaws require members to seek approval to lease their residential units. In 2011, the complainants sought to lease their unit to a man and his two minor children. According to the amended complaint, filed December 20, 2013, as the prospective tenant was touring the common areas of the property, he was told by a member resident that Harbour Club was a "retirement community" and that children were not allowed. As a result of that encounter, the prospective tenant decided not to rent from the Tramultolas.

Complainants allege that thereafter, a series of emails were exchanged between the complainants and the secretary of the board wherein the secretary continually expressed an intent or preference to limit occupancy to families without children, stating that Harbour Club “would not be the best location for them” and that there are “policies regarding children’s activities to cover the issue.”

The complaint alleges that the board then announced a proposed policy update regarding future tenants which stated, “Experience has shown that members are not favorably inclined to wish owners to rent to families with small children.” When Mr. Tramultola expressed concern that the proposed policy violated the FHA, he was told by the board’s secretary that it would be in the best interest of all if the Tramultolas sold their unit and left the community. The board then adopted a new application form for rental and unit purchases which requires the ages for occupants age 20 and younger be included.

On June 4, 2012, the Tramultolas filed a housing discrimination complaint with HUD, which was subsequently transferred to the Florida Commission on Human Relations on the basis of familial status discrimination. On August 16, 2012, the Commission issued its Determination of Cause, finding reasonable cause to believe a discriminatory housing practice occurred. The Complainants elected for the Attorney General to represent them in this action in accordance with FFHA section 760.34(4).

According to the state’s allegations, defendants have repeatedly confirmed an intent or expressed a preference or limitation based on familial status in violation of the FFHA. Specifically, the Attorney General accuses defendants of creating an environment that interfered with the Tramultolas’ right to rent to families with children under the age of 18 in violation of FFHA section 760.37. It also alleges a cause of action under FFHA section 760.23(3) based on defendants making, printing, or publishing a statement with respect to the sale or rental of a dwelling that indicates a limitation or preference based on familial status.

The Attorney General seeks damages and injunctive relief to enjoin defendants from engaging in further acts of discrimination. The defendants filed answers and affirmative defenses denying liability and the case proceeded to the discovery phase. As of December 10, 2015, the case was still active but no dispositive motions had been filed.

Discriminatory zoning and land use controls and failure to grant reasonable accommodation by local government authorities

- ***Caron Found. of Fla., Inc. v. City of Delray Beach*, Civil Action No. 12-80215, 879 F.Supp.2d 1353 (S.D. Fla. 2012) (preliminary injunction May 4, 2012; case settled July 26, 2012).**

In this case, Plaintiff (“Caron”), the operator of residential substance abuse treatment facilities, sued the City for violating the FHA and ADA under the theories of intentional discrimination and failure to grant a reasonable accommodation. Caron purchased two large homes in affluent single-family neighborhoods on Ocean Drive to provide room and board for recovering addicts; clinical therapy would occur offsite at separate facilities. The Plaintiff’s “sober homes” are organized so that residents function as a family household and provide mutual support, which Plaintiff asserts provides important therapeutic benefits.

At the time Caron purchased the homes, the City had an ordinance limiting the number of unrelated individuals who could live together to 3 persons. On January 14, 2011, Caron applied for a reasonable accommodation to allow seven unrelated individuals to reside together in its first Ocean Drive home. The City granted the accommodation on February 14, 2011. In January 2012, Caron purchased the second Ocean Drive home, and applied for a reasonable accommodation so that the second home could also accommodate seven unrelated individuals. The application was essentially identical to the application submitted with the first request.

Prior to Plaintiff’s applications, the City had been considering what to do with sober living facilities. In August 2002, it attempted to pass an ordinance restricting “substance abuse treatment centers” (which in the ordinance’s definition included locations used only for room and board even if treatment occurred elsewhere) from locating in residential neighborhoods. However, on August 16, 2002, the U.S. Department of Justice warned the City that its ordinance would likely violate the FHA. A neighboring city, Boca Raton, had a similar ordinance, which a federal district court judge held violated the FHA. *See Jeffrey O. v. City of Boca Raton*, 511 F.Supp.2d 1339, 1346–47 (S.D. Fla. 2007).

While Caron’s second reasonable accommodation request was being processed and considered, substantial community opposition developed and a public hearing on the issue was marked by negative comments from community members, the mayor, and zoning board members against sober living homes. During this period, the City also amended its transient resident ordinance to significantly decrease the number of times an owner could rent a dwelling during a year.

The City evaluated the second reasonable accommodation application under a more burdensome and stringent process than that used for the first home. After Caron failed to provide the City with certain requested information related to questions of the medical and financial necessity for seven residents to be housed together, the City sent a letter stating it did not have enough information to grant the requested accommodation. Caron sued in federal district court, seeking declaratory and injunctive relief as well as monetary damages, costs, and reasonable attorneys’ fees.

In ruling on the Plaintiff's motion for preliminary injunctive relief, the court first found that because Caron had failed to provide the City certain information which could show that its requested accommodation was "necessary," and because technically there had not been a final denial, Caron's claim on that issue was not ripe. Caron chose not to provide the information necessary to support the number of clients it claimed it needed in the facility. Therefore, Caron was not entitled to a preliminary injunction on the reasonable accommodation theory of recovery.

As to whether the City had intentionally discriminated against Caron based on the potential residents' disability status, the Court found that the change in the transient resident ordinance was not facially discriminatory because its language did not specifically target the persons with disabilities and applies just as well to vacationers or "snowbirds."

However, evaluating the City's process and adoption of the amended transient resident ordinance under the *Arlington Heights* factors (see *Metropolitan Housing Dev. Corp. v. Village of Arlington Heights*, 558 F.2d 1283 (7th Cir. 1977) to determine whether there was circumstantial evidence of discriminatory intent, the Court came to a different result. It found that the highly suspicious timing of the ordinance change, coupled with discriminatory comments by the public and planning board, and a history of trying to legislatively exclude sober living facilities showed that the City was indeed motivated at least in part by discriminatory reasons. The Court concluded that Caron established a substantial likelihood of success on its disparate treatment claim.

The Court further found that because the amendment effectively rendered the recovery home inoperable, and because protected individuals are thereby forced to move elsewhere, without an injunction, Caron would suffer irreparable harm for which monetary damages cannot compensate. The Court, therefore, enjoined the City from enforcing its amended transient use ordinance against Plaintiff and its two sober living homes.

The City appealed the preliminary injunction, but ultimately the parties reached a settlement on July 23, 2012. Under the settlement, approved by the Court on July 25, 2012, Caron agreed to pay annual real estate taxes on its two properties (which as a nonprofit it would not otherwise be required to do), to provide substance abuse education to the community, and to not own more than two properties within the city. As to the transient resident ordinance, Caron agreed to not turn over any of its resident spots more than six times per year. The City agreed to grant a reasonable accommodation to allow up to eight unrelated residents at its first location and up to six unrelated residents at its second location. The City also agreed to withdraw its appeal and for the preliminary injunction to become permanent.

- ***Schwarz v. City of Treasure Island*, Civil Action No. 8:05-cv-01696 (M.D. Fla.)(complaint filed Sept. 9, 2005) (settled and dismissed Nov. 10, 2010); 544 F.3d 1201 (11th Cir. 2008) (published opinion by Eleventh Circuit remanding case back to trial court to determine whether requested accommodation was necessary).**

Gulf Coast Recovery, Inc. (GCR) and its principal, Matthew Schwarz, operated six halfway houses for recovering substance abusers in the City of Treasure Island, Florida. The City is a small coastal community on Florida's Gulf Coast. Tenants of GCR are required to remain sober and drug-free and to refrain from various other activities while living in the properties. Most residents leave after completing their outpatient treatment, and the average stay is six to ten weeks. GCR is licensed by the Florida Department of Children and Families to provide outpatient rehabilitation services to recovering drug and alcohol abusers at its treatment facility in Treasure Island. Four of the GCR properties were zoned RM-15 (multifamily) and two were zoned RU-75 (single-family). Under the zoning code in effect, "tourist dwellings" (those used on a daily, weekly, monthly or seasonal basis) and other dwellings with a high occupancy turnover rate were prohibited in the RU-75 and RM-15 districts.

Following complaints from neighbors about excessive noise, constant turnover, and the use of the subject properties for recovering addicts, the City investigated and its Code Enforcement Board cited the houses for violating the zoning code's occupancy turnover rule and issued fines. Plaintiffs sued in federal court, alleging that enforcement of the occupancy turnover rule against the halfway houses amounted to disparate treatment, disparate impact, and a failure to reasonably accommodate the disabled under the FHA, ADA, and Rehabilitation Act, and violated the equal protection clauses of the Federal and Florida Constitutions. The district court ruled that due to the transient nature of the residents, the homes don't meet fair housing laws' definition of a covered "dwelling." the granted final summary judgment to the City and dismissed the Plaintiffs' claims. *See Schwarz v. City of Treasure Island*, 521 F.Supp.2d 1307 (M.D. Fla. 2007). GCR then appealed to the Eleventh Circuit.

The Circuit Court described the central issue raised in this appeal as: whether the City of Treasure Island violated the FHA by enforcing its occupancy turnover rule against the halfway houses. Unlike the district court, the Eleventh Circuit concluded that all six of the halfway houses qualify as "dwellings" under the FHA. In its analysis, the Court compared whether the group living arrangements were more like homes or more like hotels. Because the GCR residents cook their own meals together, clean their own rooms, maintain the premises, do their own laundry, spend free time together in common areas, stay an average of 6-10 weeks rather a few nights, and can continue to stay even once their treatment is complete, the Court concluded the homes were dwellings within the meaning of the statute.

However, because GCR failed to present any evidence of differential treatment or statistical analysis proving disparate impact, the Court affirmed the district court's grant of summary judgment to the City on those claims. Moreover, as to the homes in the single-family zone, it found that requiring the City to allow high turnover at the properties located within the RU-75 zones would not be a "reasonable" accommodation. On the other hand, as to the homes in the multifamily zone, the Court concluded that it would be a reasonable accommodation to allow GCR to operate the four remaining halfway houses located within the RM-15 zones because those zones already permit unlimited turnover in the multi-family dwellings that surround these four properties.

The Court noted that the City only would be obliged to make this accommodation if it were "necessary to afford [recovering substance abusers] equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B). The district court never addressed whether there was a genuine issue of material fact about this essential element of a reasonable accommodation claim. Therefore, the Eleventh Circuit remanded to the district court only the issue of whether the requested accommodation may be "necessary" to afford recovering substance abusers an "equal opportunity to use and enjoy" the halfway houses in the RM-15 zones.

On this remaining issue of "necessity," the district court held a jury trial in February 2010. The jury found in favor of GCR that "living in a Gulf Coast residence for a relatively short term contributes in a meaningful way to help break addiction and maintain sobriety." The court reserved the damages portion of trial for another date. Before damages in favor of GCR could be determined, the parties reached a settlement agreement. Treasure Island agreed to pay Plaintiffs an astounding \$3.7 million and also agreed to allow GCR dwellings in the multi-family zones to an occupant turnover rate of up to six times per year. The case was dismissed November 10, 2010.

The Eleventh Circuit's *Schwarz v. Treasure Island* opinion has been relied upon and cited dozens of times by the Florida district courts and Eleventh Circuit since 2008.

- ***United States v. Polk County*, Civil Action No. 8:10-cv-02196 (M.D. Fla.) (complaint filed Sept. 30, 2010; consent decree entered Dec. 3, 2010).**

The Department of Justice filed this action against Polk County, Florida, alleging a pattern or practice of discrimination on the basis of disability. The complaint alleges that the County violated the FHA when it denied New Life Outreach Ministries the right to operate a faith-based transitional residency program in Lakeland for homeless men with disabilities, including those recovering from drug and alcohol abuse.

According to the complaint, New Life purchased the subject property after the County's planning division twice approved in writing the proposed use and affirmed that the use was legally nonconforming under the County's land development code. After vehement community opposition arose, the County's Board of Commissioners subsequently reversed the previous determination and prohibited New Life from operating at the proposed sites. The DOJ brought this action on behalf of New Life.

To avoid the cost and uncertainty of litigation, the parties agreed to settle all claims by a court approved Consent Decree. Under its terms, the County agreed to pay \$280,000 to New Life, up to \$80,000 to individuals who were forced to relocate from New Life's property as a result of the County's conduct, and \$40,000 to the U.S. government. The agreement also provides for injunctive relief, including fair housing training for County employees who have responsibilities related to zoning and land-use decisions. The County also is subject to reporting and monitoring requirements, including providing to the DOJ at least 30 days prior to adoption, any proposed change to the zoning or land use codes that affects housing for persons with disabilities, and providing a summary of each determination regarding a zoning request or application related to a dwelling for a person with disability.

The Court maintained jurisdiction for 3 years, until December 21, 2013, to enforce the terms of the consent decree if necessary.

- ***United States v. Hialeah Housing Authority, Civil Action No. 1:08-cv-22679 (S.D. Fla.) (complaint filed Aug. 2, 2008; unpublished opinion issued by 11th Cir. March 22, 2011; consent decree entered by district court Jan. 4, 2012).***

The United States brought this action on behalf of complainant Mr. Rodriguez and his family against the Hialeah Housing Authority (HHA) for violations of the FHA, claiming that the HHA failed to provide a reasonable accommodation for complainant's disability. At the relevant time, the HHA received federal funding from HUD and managed over 2,000 housing units. The facts showed that the family lived in an HHA apartment until the HHA decided to terminate their tenancy due to disputes with a neighboring family. The HHA offered to allow the complainants to move to another available unit in lieu of being evicted, and the complainants requested a unit with ground floor access to a bathroom because Mr. Rodriguez had difficulty climbing stairs. Complainants agreed to a transfer until they were shown the available unit, which did not have first floor access to a bathroom. After they wrote a letter to the HHA appealing the transfer and again stating the need for ground floor access to a bathroom, the HHA responded that it was upholding the termination and filed an action to have the family evicted. During a court ordered mediation, the complainants' attorney explained that Mr. Rodriguez had a disability that prevented him from going up and down stairs. The HHA offered to put the family on a waiting list for an accessible unit, but the family

rejected this offer and vacated their current unit. Mr. Rodriguez then filed a complaint with HUD, which found reasonable cause and transferred the case to the DOJ for civil prosecution.

The district court granted HHA's motion for summary judgment after concluding there was no genuine issue of material fact to support the contention that the HHA knew or should have known about Mr. Rodriguez's disability and the necessity for accommodation. The United States appealed that order to the Eleventh Circuit for review.

The Eleventh Circuit enumerated the elements for a failure to accommodate claim as follows: "[A] plaintiff must establish that (1) he is disabled or handicapped within the meaning of the FHA, (2) he requested a reasonable accommodation, (3) such accommodation was necessary to afford him an opportunity to use and enjoy his dwelling, and (4) the defendants refused to make the requested accommodation." The Court noted that the HHA "cannot be liable for refusing to grant a reasonable and necessary accommodation if HHA never knew the accommodation was in fact necessary." While this Circuit has not yet had cause to determine "precisely what form the [reasonable accommodation] request must take," in looking to guidance from other Circuits, "circumstances must at least be sufficient to cause a reasonable [landlord] to make appropriate inquiries about the possible need for an accommodation." The Court noted that if a housing provider is skeptical of a tenant's alleged disability or the ability to provide an accommodation, it is "incumbent upon the [landlord] to request documentation or open a dialogue."

The Court concluded that following the mediation in the eviction action, the HHA had enough information to know of both Mr. Rodriguez's alleged disability and his desire for an accommodation. In other words, Mr. Rodriguez had made a specific demand sufficient to trigger HHA's duty to provide a reasonable accommodation. The factual dispute over the specifics of the arrangement offered by HHA precludes summary judgment as a reasonable factfinder could conclude that the HHA refused to provide the requested accommodation.

The Eleventh Circuit reversed the district court's grant of summary judgment in favor of HHA, and remanded the case back to the lower court for further proceedings to determine whether Mr. Rodriguez was in fact disabled, and if so, whether the HHA refused to provide a reasonable accommodation or whether the HHA was even required to provide a reasonable accommodation because the Rodriguez family was a "direct threat" under 42 U.S.C. § 3604(f)(9).

Following remand to the district court, the parties entered into a settlement agreement, which was accepted by the district court and entered as a Consent Decree on January 4, 2012. The HHA agreed to pay the complainants \$20,000 in monetary damages; to publish and disseminate a nondiscrimination policy; to utilize an approved Reasonable Accommodations Policy and Procedures for receiving and handling requests by persons with disabilities; to conduct fair housing training for all its agents and employees; and to submit twice-yearly

compliance reports to the United States throughout the duration of the Consent Decree's three-year enforcement period.

Discriminatory practices in mortgage lending by major banks

- ***City of Miami v. Bank of America Corp.*, Civil Action No. 1:13-cv-24506 (S.D. Fla. July 9, 2014), No. 14-14543, _ F.3d _ (11th Cir. Sept. 1, 2015); *City of Miami v. Citigroup, Inc.*, Civil Action No. 1:13-cv-24510 (S.D. Fla.), No. 14-14706, _ F.3d _ (11th Cir. Sept. 1, 2015); *City of Miami v. Wellsfargo & Co.*, Civil Action No. 1:13-cv-24508 (S.D. Fla.), No. 14-14544, _ F.3d _ (11th Cir. Sept. 1, 2015).**

The City of Miami filed three separate federal lawsuits against Bank of America, Citigroup, and Wellsfargo, respectively, alleging that the banks each engaged in a decade-long pattern of lending discrimination in the Miami residential housing market that caused the City direct economic harm. The three complaints, which are substantially similar, were heard by the same judge in the Southern District of Florida and resolved in the same manner. The complaints specifically allege that the banks created internal incentive programs that encouraged both redlining (refusing to extend mortgage credit to minority borrowers on equal terms as to non-minority borrowers) and reverse-redlining (extending mortgage credit on exploitative terms) against black and Latino borrowers. The banks are accused of targeting minorities for predatory loans that carried more risk, steeper fees, and higher costs than those offered to similarly-situated white consumers. As a result of the banks' practices, the City alleges that minority-owned properties throughout Miami were subject to greater rates of foreclosure, which deprived the City of tax revenue and forced the City to expend more on municipal services, such as police, firefighters, and debris removal to combat the blight resulting from significant foreclosures. The City asserts that the banks intentionally discriminated based on race and that their practices had a disparate impact based on race in violation of the FHA. It also alleged an attendant unjust enrichment claim under Florida law.

The lower court dismissed the City's complaints with prejudice in 2014 on three grounds: that the City lacked standing under the FHA because it fell outside the statute's "zone of interests;" that the alleged conduct was not adequately pleaded as the proximate cause of harm to the City; and that the statute of limitations on the claim had expired. Each case was appealed separately, and the Eleventh Circuit resolved the companion cases in separate opinions. The final opinion regarding Bank of America contains the most detailed account of the Court's reasoning.

The Eleventh Circuit disagreed with each of the district court's conclusions as to the FHA claim. Without ruling on the merits of the City's claims, the Court reversed and remanded the suits back to the trial court with instructions to allow the City to file amended pleadings. (The Court affirmed the dismissal of the unjust enrichment claim because it found the benefits the

City allegedly conferred on the defendants were not sufficiently direct to plead an unjust enrichment claim under Florida law.)

First, the Court found that the City had adequately pleaded standing under both an Article III and statutory standing analysis. Because the City specifically alleged that its injury is the result of bank policies either expressly motivated by racial discrimination or resulting in a disparate impact on minorities, that is enough to allege an injury in fact under Article III. As for whether the City has statutory standing under the FHA, the Court acknowledged that there is disagreement among the federal courts to have considered the question in light of recent Supreme Court opinions on standing, but ultimately disagreed with the trial court and held that the phrase "aggrieved person" in the FHA extends as broadly as is constitutionally permissible under Article III.

As to the district court's second grounds for dismissal, no case of the Supreme Court or the Eleventh Circuit has ever dealt directly with the existence or application of a proximate cause requirement in the FHA context. But for purposes of surviving a motion to dismiss, the Court of Appeals found that the City's complaints had done enough to show the requisite level causation at this early stage—i.e., linking the banks' treatment of minority borrowers to predatory loans, predatory loans to foreclosure, and foreclosure to reduced tax revenue. The FHA protects parties who have not themselves been directly discriminated against. The Eleventh Circuit found that the banks could have reasonably foreseen the "attendant harm" from alleged discriminatory lending and the harm was not too remote. (The Court acknowledged that the challenge for the City at the merits stage of litigation will be to actually prove its causal claims, i.e. which foreclosures resulted from discriminatory lending, how much tax revenue was actually lost as a result of the banks' behavior, etc.)

Finally, in its consideration of whether the statute of limitations for the claims had passed and whether the continuing violation doctrine applied, the Court found that though the predatory qualities of the loans may have taken slightly different forms over time, the discriminatory practice has remained the same and persists. It held that the City has alleged "not just one incident but an unlawful practice that continues into the limitations period," and accordingly the continuing violation doctrine applies so that the statute of limitations has not expired and the claims can go forward.

The Court flagged for the lower court's attention the Supreme Court's recent decision in *Texas Department of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015). On remand, it instructed that any newly pleaded amended complaint must take into account the evolving law on disparate impact following the *Inclusive Communities* case and the lower court must follow the Supreme Court's limitations on disparate impact to protect defendants from abusive claims. Specifically, defendants must be allowed to "explain the valid interest served by their [challenged] policies," *id.* at 2522, and the court must insist

on a “robust causality requirement” at the “prima facie stage” linking the defendants’ conduct to the racial disparity, *id.* at 2523.

The City of Miami filed amended complaints in the district court on November 30, 2015. The district court has ordered the banks to respond on or before December 14, 2015.

Similar suits have been filed by the City of Los Angeles and Cook County, Illinois (which includes the city of Chicago) against Wells Fargo. Those cases were dismissed by the respective trial courts on similar grounds to those that resulted in the dismissal of the City of Miami’s original suits. The Eleventh Circuit’s decision, while not controlling in other circuits, may have an impact on similar cases filed by other aggrieved municipalities.

- ***Department of Housing and Urban Development, In the Matter of: SunTrust Mortgage, Inc., FHEO Title VIII Case No. 04-11-0703-8.***

On May 8, 2013, HUD announced it had reached two Conciliation Agreements with SunTrust Mortgage, Inc., settling allegations that the Richmond, VA-based lender denied mortgage loans to a couple in Port St. Lucie, Florida, and another couple in Ashland, Virginia, because the women were on maternity leave. In the Florida case, a woman and her husband filed a complaint with HUD alleging that in October 2010 SunTrust had pre-approved them for a mortgage loan, but 14 days before closing, a loan officer informed them that the loan would not be approved unless she returned to work.

Under the terms of the agreements, SunTrust will pay each couple \$18,000, adopt a parental leave policy that prohibits discriminatory mortgage lending due to parental leave, and train their employees on the fair lending requirements of the FHA. The Parental Leave Policy specifically prohibits asking mortgage applicants about their intent to take parental leave in the future. The policy also provides that mortgage applicants on or scheduled to be on parental leave may still qualify for loan approval and funding.

In a press release regarding the settlement, a HUD Assistant Secretary for Fair Housing stated, “The Fair Housing Act prohibits lenders from denying home loans to women because they are pregnant or on maternity leave and HUD is committed to taking action against lenders engaged in discriminatory practices.”

- ***Department of Housing and Urban Development, In the Matter of: Bank of America, N.A., Docket No. 12-1657-N1R.***

On January 2, 2013, HUD announced it had settled an administrative action against Bank of America after the mortgage lender refused to provide financing to a lesbian couple in Florida. This was the first case taken against a lender to enforce HUD’s Equal Access to Housing rule. The Equal Access rule prohibits lenders from basing eligibility determinations for mortgage loans insured by the Federal Housing Administration (FHA) on actual or

perceived sexual orientation, gender identity, or marital status, and applies to all housing programs administered by the Department.

HUD claimed BOA denied a loan to a Florida couple seeking to obtain an FHA-insured mortgage for a property located in South Daytona because of their sexual orientation and marital status. One partner was not employed, so the applicant enlisted her partner's mother as a co-applicant on the loan. The couple worked with BOA for several weeks to provide all of the necessary loan application documents and the couple was assured by BOA that they were likely to receive a mortgage. One business day prior to closing, BOA denied the mortgage because it did not consider the loan applicant and the co-applicant directly related because the applicant and her partner were not married. As a result of BOA's actions, the couple was not able to close on the loan.

Under the terms of the conciliation agreement, BOA agreed to pay HUD \$7,500 and to notify its residential mortgage loan originators, processors and underwriters of its settlement agreement with HUD. In addition, BOA must educate its employees that they are prohibited from discriminating against FHA-loan applicants on the basis of sexual orientation, gender identity, or marital status. BOA also was required to update its fair lending training program to include information on HUD's Equal Access Rule.

Actions taken up by the DOJ against private housing providers on behalf of aggrieved individuals

Below are summaries of other Florida cases brought by the U.S. DOJ on behalf of aggrieved complainants against private housing providers. These cases were referred to the Civil Rights Division after HUD received a complaint, conducted an investigation, and issued a charge of discrimination. The DOJ deemed these cases important for civil prosecution to further its mission to protect not only individual complainants but the public interest against discrimination.

- ***United States v. Southwind Village, LLC, Civil Action No. 2:15-cv-591 (M.D. Fla.) (complaint filed Sept. 30, 2015; motion for judgment filed Dec. 7, 2015).***

The DOJ filed this action against a mobile home and recreational vehicle community in North Fort Meyers, Florida, and its property manager following testing between September and November 2014 to evaluate defendants' compliance with the FHA. Testing allegedly revealed that defendants treated African-Americans who were prospective tenants less favorable than similarly-situated white persons. For example, the property manager falsely told African-Americans that no lots were available for rent, but then told prospective white tenants that lots were immediately available for rent. The property manager also discouraged African-Americans from residing at Southwind by referring them to other

mobile home parks, telling them not to “count on” future availability, and falsely telling them that there is a waiting list and a rental application process.

According to the DOJ’s complaint, defendants have “refused to negotiate for the rental of, or otherwise made unavailable or denied dwellings to persons because of race or color” in violation of Section 804(a) of the FHA and “represented, because of race or color, that dwellings were not available for rental when such dwellings were in fact so available,” in violation of Section 804(d). The government seeks declaratory, injunctive, and monetary relief.

On December 7, 2015, the parties entered a Joint Motion to Approve and Enter Consent Order, which the Court as of December 10, 2015, has agreed to take under advisement.

- ***United States v. Trinity Villas, Inc.*, Civil Action No. 5:13-cv-00566 (M.D. Fla) (complaint filed Nov. 18, 2013; consent decree entered July 9, 2015).**

The DOJ brought this action against the owner and operator of a 162-unit housing complex in Ocala, Florida and its property manager, alleging that defendants violated the FHA when they discriminated against a tenant with a mobility impairment by refusing her request for a ground floor apartment unit as a reasonable accommodation for her disability. Defendants received federal funding through HUD’s Assisted Housing Program.

The Defendants denied that they discriminated against the complainant, but agreed to enter into the Consent Decree for settlement purposes. The Consent Decree requires Defendants to pay \$9,000 in damages to the complainant. Defendants also must adopt, post, and implement a nondiscrimination and reasonable accommodation policy, and facilitate fair housing training for employees and agents, among other injunctive relief. The Court maintains jurisdiction to enforce the terms of the consent decree for four years.

- ***United States v. Cairns*, Civil Action No. 8:11-cv-100 (M.D. Fla.) (complaint filed Jan. 14, 2011; consent decree entered April 11, 2011).**

On January 14, 2011, the DOJ instituted this action against a married couple after the defendants evicted complainant and her three children from a single-family rental home in Gibsonton, Florida. The complaint alleges that defendants evicted the family, made discriminatory statements, and otherwise interfered with the family's fair housing rights all because of the family’s African-American race or color.

Under the Consent Decree entered April 11, 2011, the defendants were required to pay the family \$25,000 in damages and \$5,000 in attorney’s fees, undergo fair housing training, and meet reporting and recordkeeping requirements for the three-year duration of the consent decree.

- ***United States v. Fountain View Apartments, Inc.* Civil Action No. 6:08-cv-891 (M.D. Fla.) (complaint filed Jan. 14, 2011; consent decree entered March 10, 2011).**

In this discrimination case, the United States sued Fountain View (a 42-unit apartment complex in Orange City, Florida), its officer/director, and its manager after an African-American woman filed a HUD complaint alleging that she had been denied an available apartment and had been shown a rental application containing the notation "ADULTS ONLY." A local television station subsequently investigated and in a series of fair housing tests, corroborated the HUD complainant's assertions. The DOJ's civil complaint alleged that defendants had discriminated on the basis of race/color and familial status by, among other discriminatory practices, denying the availability of apartments to African-American persons while at the same time telling white persons about available apartments; refusing to show apartments to African-American persons while at the same time showing apartments to white persons; discouraging African-American persons from applying for an apartment while encouraging white persons to apply; refusing to negotiate with black or African-American prospective tenants for rental; threatening to evict one or more tenants who were known or believed to have black or African-American friends and associates; making statements with respect to the rental of apartments indicating a preference, a limitation, or discrimination based on race or color; directing Fountain View employees not to rent to prospective tenants who have children under the age of 18; refusing to negotiate with one or more prospective tenants who have children under the age of 18 for rental; failing to offer one or more persons with children under 18 the same terms, conditions or privileges regularly offered to persons without children; making statements with respect to the rental of apartments at Fountain View Apartments indicating a preference, a limitation, or discrimination based on familial status; and wrongfully evicting one or more tenants who had children.

On March 10, 2010, the court entered a Consent Decree resolving the government's and complainants' claims. Under the consent decree, the defendant was required to pay \$175,000 to nine individuals identified by the United States as victims of defendants' discriminatory conduct, \$140,000 to three plaintiff-intervenors, and \$100,000 to the United States as a civil penalty. The injunctive relief granted shows the creativity the DOJ can use in crafting specific requirements that defendants must implement to protect against future discriminatory practices. In this case, the consent decree requires Fountain View Apartments, Inc. to retain an approved independent manager to manage the property. The independent manager has the sole authority for showing and renting units, supervising repairs, setting rents and security deposits, determining whom to rent to and/or evict, overseeing all aspects of the rental process, and engaging in any other management activities. The independent manager also was tasked with notifying the United States of any information indicating that any

defendant is in violation of the consent decree. Defendants also were required to adopt, publish, and implement an approved nondiscrimination policy.

Impediments and Recommendations

In the *Fair Housing Planning Guide*, HUD defines an impediment to fair housing choice as an action, omission or decision based on race, color, religion, sex, disability, familial status, or national origin that restricts or has the effect of restricting housing choices or the availability of housing choices.⁵⁰ Throughout this assessment various community issues have surfaced, both positive and negative. Some of these issues represent general community needs and, while valid, do not restrict or have the effect of restricting housing choice and thus do not constitute impediments.

For this analysis, qualitative data received in the form of input from interviews and community meetings was combined with quantitative data from the U.S. Census and from the other sources consulted. In some cases, the quantitative data collected from a single source was clear and compelling enough on its own to indicate the existence of an impediment. In other cases, and particularly with the use of qualitative data, the cumulative effect of a comment or criticism repeated many times over in many different settings was sufficient to indicate a barrier. Sometimes a weak or inconclusive correlation of quantitative data from one source could be supported by public comments and input or data from another source to constitute an impediment.

In this section, the impediments identified are summarized with supporting information. Each impediment listed is followed by recommendations, the implementation of which will correct, or begin the process of correcting, that impediment. A common theme found in many of the recommendations is the use of collaborative partnerships from the private and public sectors.

Impediment #1: Lack of Fair Housing Organization/ Fair Housing Education

The fair housing survey, community meetings, and focus groups, revealed that the lack of a fair housing agency and education regarding fair housing laws or how to submit a fair housing complaint impedes fair housing in Collier County. Collier County is a large county with ethnic, racial, and income diversity and a continuously increasing elderly population, all of which correlate with a need for a fair housing organization and education in similar jurisdiction. The county lacks a fair housing agency and while Legal Aid provides some assistance in the county, over 80% of stakeholders and residents interviewed were unaware of any assistance Legal Aid could provide.

⁵⁰ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing for Fair Housing Planning, Page 2-17)*. March 1996.

A vast number (40.0%) of respondents reported not knowing where to file a complaint regarding housing discrimination, although nearly 1 in 5 (18.7%) reported experiencing housing discrimination. In households in which a language other than English is spoken in the home, over 40% of survey respondents reported experiencing housing discrimination, the majority of which was by landlord's and property owners. However, none of these residents filed a complaint citing not knowing where to file a complaint or not knowing what good filing a complaint would do as primary reason. Some, participants voiced the need for more testing studies throughout the region, and some felt that available fair housing materials did not display photographs of racial and ethnic minorities.

A common perception is that individuals with more knowledge regarding fair housing rights are more likely to pursue a complaint than those with less knowledge of fair housing laws. Therefore, there is an association between knowledge of the law, the discernment of discrimination, and attempts to pursue it. Locally, it is critical that there are efforts in place to educate, to provide information, and to provide referral assistance regarding fair housing issues in order to better equip persons with the ability to assist in reducing impediments.

Recommendations

The County should consider annually reserving a portion of its CDBG public service funds to be awarded as a competitive Fair Housing Grant to an organization that will carry out a focused fair housing education program and activities in the area. As a component of the Fair Housing Grant, the successful applicant should collaborate with the assigned HUD Office of Fair Housing and Equal Opportunity and/or with other regional or nearby fair housing advocacy organizations to develop an appropriate fair housing training curriculum and education program. This work should build upon the efforts of the County's CHS division which provides fair housing education and referral resources, the County's referrals to the Florida Commission on Human Relations, and legal outreach services provided for tenants and landlords by Legal Aid.

The County should also continue to work with local nonprofits to implement a fair housing education program designed to increase understanding of fair housing and the dynamics of the local housing market among home seekers (buyers and renters) and housing industry stakeholders. Additionally, fair housing training should be made mandatory for County staff, subrecipients, and any other entities the County may contract with under its CDBG program.

Outreach and Education to Residents

The County and its cooperating municipalities should focus increased attention and outreach on the subject to fair housing education for residents of the County. The County should focus on targeted outreach to racial and ethnic minority groups and to areas of concentrations of

low income persons throughout the County to ensure that as many individuals and households as possible understand:

- what are acts of housing discrimination;
- the protections provided for protected classes under the Fair Housing Act;
- how and where to report acts of housing discrimination; and
- remedies available to victims of housing discrimination, including potential monetary settlements.

Outreach and Education for Property Owners and Property Managers, Real Estate Agents, Mortgage Lenders, and Public Employees

As with the recommendation to expand educational efforts to County residents, a similar process should be carried out to educate property owners (landlords) and property managers, real estate professionals, mortgage lenders, and city and county employees on the requirements and penalties under the federal Fair Housing Act. These educational activities should be carried out by HUD-approved Fair Housing organizations using funding provided by HUD or the County and its cooperating municipalities. The County should use methods to incentivize fair housing education for landlords and property owners and/or make this educational process mandatory for code enforcement violators to increase participation.

The County and/or its cooperating municipalities (as appropriate) should provide monitoring and oversight of these outreach and education efforts to report on their effectiveness as a part of their annual report (CAPER) submitted to HUD.

- Identify resources available to conduct education and outreach programs for protected classes to government, non-profits, and realtors with the intentions of raising awareness of housing discrimination violations and pertinent regulations.
- Develop fair housing brochures to be kept on site at local City Hall, public libraries, and other public venues.
- Publish contact information and referral information relating to fair housing in local newspapers or advertise where to obtain fair housing information through the local access channel.

Impediment #2: Limited Supply of Affordable Housing Restricts Housing Choice

The quantitative data obtained from the Census Bureau and HUD, supported by comments provided by County residents, key stakeholders, and the Community Survey, demonstrate that a significant number of households in the County have insufficient income to afford

appropriate housing and frequently exceed the recommended HUD guideline of spending no more than 30% of income on housing.

According to the 2010-2014 ACS estimates, housing cost for home owners rose by over 70% and by over 30% for renters. The Out-of-Reach reported indicating that minimum and average worker wages were not enough to afford one, two, and three-bedroom units in many instances. In the community survey, nearly 40% of respondents reported exceeding the guidelines related to housing costs.

Research shows that members of protected classes are more likely to face difficulties affording housing. Minority households tend to have lower incomes. Additionally, members of protected classes, including minorities, female householders, households with children, and disabled persons, are more likely to reside in public housing or use housing choice vouchers than the population overall.

Recommendations:

The County and its public and private sector partners should develop a new long-term strategy that would serve as an ongoing affordable housing vision and that would set measurable short and long-term goals for housing production, preservation, and continued affordability. The strategy should be developed using public input and participation to increase community and stakeholder alignment and the overall success of establishing and implementation this plan. The County's housing strategy should serve as the guiding affordable housing planning instrument containing housing goals and objectives that are to be followed and are contained in both the Consolidated Plan and its Annual Action Plans. It is critical that additional non-HUD funding streams be identified and made available. The strategy should also build upon the County's work with the State Housing Initiatives Partnership to provide and preserve affordable homeownership and multi-family housing for very low-income, low-income, and moderate-income persons.

As a first step in developing a long-term affordable housing strategy, the County should create a Housing Task Force with participation from the County, municipalities, private developers and lenders, nonprofit advocacy groups, Legal Aid, newly established and regional Fair Housing organizations, and community representatives from throughout the County. The Task Force should utilize information already collected and available through this analysis, from the Consolidated Plan 2016-2020, and other pertinent data sources that include input from County residents and stakeholders. The strategy should focus on collaborative partnerships among task force members and other parties which can work together to access and invest resources necessary to provide appropriate types of affordable and accessible housing for residents of the County. The Task Force should include representatives from organizations that serve persons who are members of Protected Classes under the Fair Housing Act and special needs populations. The Task Force should

continually monitor progress in achieving plan goals on an annual basis and report this information to the County and residents.

To provide a mechanism to implement the plan, the County should partner with private sector housing developers and lenders, municipalities, newly established and regional Fair Housing organizations, nonprofit organizations and representatives from other community organizations from all parts of the County to develop programs and funding options that will provide new and rehabilitated affordable rental housing for lower income and protected class households. The County should also:

- Encourage private developers to construct affordable housing.
- Determine locations for the development of affordable housing and work with local non-profits to acquire land for affordable units.
- To improve low/moderate income households' ability to obtain mortgages, identify resources for financial counseling and training for residents to learn financial responsibility including how to have good credit, finding financial resources, and making good financial choices. Continue to implement first time homeownership programs to assist families with homeownership opportunities.
- Implement an inclusionary zoning policy aiding in the development of affordable housing.
- Continue the use of Community Development Block Grant Funds (CDBG) and HOME Investment Partnership Funds (HOME) for housing rehabilitation activities to maintain the regions affordable housing stock.
- Work with housing organizations to continue efforts and collaborations on affordable housing and other fair housing needs.

The County is embarking on a planning initiative to develop additional incentives and programs to address affordable and workforce housing needs in the community. In March 2016, the Board of County Commissioners directed staff to prepare a community-driven countywide Affordable Housing Plan. The County is currently working to establish a stakeholder committee and charter for the project and will then identify a planning consultant through an RFP process.

Impediment #3: High Concentrations of Low Income Housing

Community meetings, stakeholder interviews, and field observations indicated high concentrations of low-income housing in specific areas of the County including Immokalee and East Naples. Residents of these communities were more likely to be racial and ethnic minorities. Based on field observations and reports from community meetings, focus groups, and stakeholder interviews, Immokalee had higher rates of substandard housing and mobile homes in need of repair. Immokalee also had infrastructure needs and is in an area of low opportunity.

Recommendations:

The County should pursue the following strategies:

- Dedicate HUD funding to concentrated low-income areas and RCAP/ECAP areas, such as Immokalee and Bayshore, to provide infrastructure improvements, home buyer education programming, and down payment assistance in an effort to attract professionals to these areas and increase homeownership.
- Focus future development of new affordable housing outside RCAP/ECAP areas and communicate this strategy to developers and non-profit partners/prioritize funding to projects achieving this goal.
- Encourage the de-concentration of poverty by expanding areas where housing vouchers may be used/educate and provide incentives to landlords
- Develop an evaluation tool to monitor planning and public investments by local and regional entities and advocate for opportunities to provide public infrastructure that promotes housing choice in areas of opportunity.

Impediment #4: Lack of Accessible/Special Needs Housing

Collier County's number of elderly (62+) and frail elderly (75+) exceeds both state and national rates and the county's median age is higher than the national average, indicating an aging population. Throughout the development of this analysis, residents of the county and key stakeholders consistently mentioned that the current housing stock is not adequate to serve the needs of disabled residents. In community meetings held throughout the County, 85% of participants reported a lack of accessible housing for the disabled. Accessible rental housing, accessible senior housing, and supportive housing for seniors, the mentally/physically disabled, and residents with alcohol and substance use issues were identified as the two major types of housing needed for the disabled. A major barrier to providing accessible housing in the County is older housing stock being too costly to retrofit with handicapped accessible features. The high incidence of discrimination against disabled

residents is also a barrier. In an analysis of complaints of housing discrimination across the County, a majority of complaints of housing discrimination were based on disability.

Recommendations:

Organizations that serve persons with physical and mental disabilities, seniors, and residents with drug and substance abuse issues are important advocates. These organizations and persons with disabilities, substance abuse issues, and the elderly should be engaged as participants in housing strategy development to ensure that policies, programs, and potential funding streams are identified and included that will result in the development or rehabilitation of housing that is accessible and affordable for special needs populations. These projects should also be planned to include supportive services including counseling, case management, navigational support (especially related to paratransit and other systems set up to help special populations), ADL, memory care, and socialization activities that are essential to these populations, as appropriate. The County should also:

- Review taxation codes and implement tax exemptions for making adaptations to make a home more accessible for persons with disabilities.
- Implement codes regulating that all new construction of multi-family (4 units or more), co-ops, and conversions must meet Section 504 of the American Disabilities Act (ADA).
- Conduct an assessment of accessible housing units and buildings in the region for the purpose of developing an inventory of accessible housing and providing that information to the public.
- Work with local housing organizations to provide a wide variety of housing services, including services to the disabled.
- Meet with design specialists to require and encourage housing designs that consider the needs of the disabled and other special needs populations.
- Provide builders and developers with information about the advantages of providing housing for this market.

Conclusion

This Analysis of Impediments to Fair Housing Choice identifies factors (barriers) that could limit housing choice for residents of Collier County, Florida. The barriers may also prevent residents from realizing their right to fair and equitable treatment under Federal and State of Florida fair housing laws. It is important that Collier County residents who are members of protected classes under these laws know their fair housing rights and understand the steps that they may take if they believe that they have experienced housing discrimination.

The recommendations proposed in this document address the following impediments: the continued need for affordable housing, concentrations of affordable housing in certain parts of the county, the challenge of housing special populations (including persons who are homeless, disabled, and elderly), lack of knowledge of fair housing rights and responsibilities, and a challenging grant process for organizations seeking CDBG, HOME, or ESG funds. The implementation of the recommendations in this report can assist Collier County in providing a supportive environment for achieving fair housing choice for all of its residents.

Collier County will pursue fair housing choice for its residents, using the recommendations presented in this report that address the identified impediments. However, County government cannot bring about the change necessary to reduce or remove these impediments to fair housing choice acting alone. To fully achieve the objective of housing choice for all, the County needs the support and engagement of private and public sector stakeholders and partners, fair housing agencies, and the residents of Collier County.